



# POLICY MANUAL

**NIAGARA COUNTY COMMUNITY COLLEGE**

3111 Saunders Settlement Road • Sanborn, NY 14132 • 716-614-6222 • [niagaracc.suny.edu](http://niagaracc.suny.edu)

*Revised March 2020*



NIAGARA COUNTY COMMUNITY COLLEGE  
POLICY MANUAL – TABLE OF CONTENTS

Table of Contents

**INTRODUCTION** ..... 4

**NCCC VISION STATEMENT** ..... 4

**NCCC MISSION STATEMENT** ..... 4

**STRATEGIC PLANNING**..... 5

**SECTION 1. BOARD OF TRUSTEES BYLAWS** ..... 6

**SECTION 2. GENERAL ADMINISTRATION** ..... 22

    2.1 - ALCOHOL AND DRUG USE IN THE WORKPLACE ..... 22

    2.2 - BACKGROUND CHECK ..... 24

    2.3 - BONE MARROW AND BLOOD DONATION LEAVE ..... 26

    2.4 - CANCER SCREENING ..... 26

    2.5 - CODE OF ETHICS ..... 27

    2.6 - CONDUCT ON CAMPUS ..... 30

    2.7 - CONFIDENTIALITY OF PROTECTED INFORMATION ..... 32

    2.8 - COPYRIGHT ..... 36

    2.9 - EMPLOYEE EXCHANGE ..... 39

    2.10 - EMPLOYEE SEXUAL ASSAULT BILL OF RIGHTS..... 41

    2.11 - EMPLOYEE TO VOTE ON ELECTION DAY ..... 42

    2.12 - EMPLOYMENT OF FAMILY MEMBERS..... 42

    2.13 - FMLA (FAMILY MEDICAL LEAVE ACT) ..... 43

    2.14 - FREEDOM OF INFORMATION ..... 46

    2.15 - GUIDELINES FOR “EXTRA SERVICE” COMPENSATION FOR EMPLOYEES ..... 47

    2.16 - HATE CRIMES/BIAS-RELATED INCIDENTS ..... 49

    2.17 - INDIVIDUALS WITH DISABILITIES..... 53

    2.18 - LACTATION BREAK ..... 55

    2.19 - MILITARY SERVICE LEAVE ..... 56

    2.20 - NOTICE OF NON-DISCRIMINATION..... 59

    2.21 - POLICY AGAINST DISCRIMINATION AND HARASSMENT ..... 61

    2.22 - POST-TERMINATION CONTINUATION OF MEDICAL INSURANCE – COBRA ..... 68

    2.23 - PREFERRED NAME ..... 68

    2.24 - PROCEDURES FOR THE UTILIZATION OF VOLUNTEERS ..... 69

    2.25 - PROGRAM AND SUPPORT UNIT EVALUATION..... 70

    2.26 - SERVICE ANIMALS ON CAMPUS –revised 8/6/2019.....71

2.27 - SEXUAL ASSAULTS .....	744
2.28 - SEXUAL HARASSMENT PREVENTION – (revised 10/16/2018) .....	755
2.29 - SEXUAL MISCONDUCT/VAWA (VIOLENCE AGAINST WOMEN ACT) NOTICE .....	81
2.30 - SOCIAL MEDIA .....	83
2.31 – CONSENSUAL/ROMANTIC RELATIONSHIP – (revised 2/26/2019) .....	87
2.32 - TITLE IX .....	87
2.33 - TOBACCO FREE ENVIRONMENT .....	90
2.34 - UNEMPLOYMENT INSURANCE .....	92
2.35 - WITNESS AND VICTIMS OF CRIME LEAVE .....	92
2.36 - WORKERS’ COMPENSATION INSURANCE .....	933
2.37 - WORKPLACE VIOLENCE POLICY AND PROGRAM .....	93
<b>SECTION 3. ACADEMIC AFFAIRS .....</b>	<b>97</b>
3.1 - PERSONS WITH PRIOR FELONY CONVICTIONS.....	97
3.2 - ACADEMIC FREEDOM .....	100
3.3 - ACADEMIC GRIEVANCE .....	100
3.4 - ACADEMIC INTEGRITY .....	101
3.5 - ACADEMIC FOUNDATIONS REQUIREMENTS .....	101
3.6 - CREDIT FOR PRIOR LEARNING .....	102
3.7 - FACULTY SENATE.....	103
3.8 - FULL OPPORTUNITY REPORT .....	103
3.9 - CONFERRAL OF PROFESSOR EMERITUS.....	103
<b>SECTION 4. FACILITIES .....</b>	<b>105</b>
4.1 - AMERICAN FLAG .....	105
4.2 - BOMB THREATS.....	105
4.3 - CLOSED CIRCUIT TELEVISION MONITORING .....	106
4.4 - FACILITY USAGE.....	108
4.5 - USE OF FACILITIES FOR RELIGIOUS SERVICES.....	110
4.6 - ENVIRONMENTAL RESPONSIBILITY .....	110
4.7 - FEDERAL HAZARD COMMUNICATION STANDARD AND NEW YORK STATE TOXIC SUBSTANCE ACT.....	111
4.8 - PARKING AND TRAFFIC REGULATIONS .....	111
4.9 - POSTERS ON CAMPUS .....	112
4.10 - PROSELYTIZING AND SOLICITATION .....	112
4.11 - SAFETY AND SECURITY STANDARDS AND USE OF COLLEGE FACILITIES .....	113
<b>SECTION 5. FINANCE.....</b>	<b>114</b>
5.1 - ANNUAL AUDIT .....	114
5.2 - DISPOSAL OF EXCESS EQUIPMENT .....	114

5.3 - GRANTS/FUND RAISING .....	114
5.4 - MINIMUM FUND BALANCE .....	115
5.5 - OPERATING BUDGET MANAGEMENT .....	115
5.6 - PETTY CASH FUND .....	115
5.7 - PURCHASING.....	115
5.8 - REIMBURSEMENT OF TRAVEL EXPENSES FOR PROFESSIONAL POSITIONS .....	116
5.9 - STUDENT FEE BUDGETS .....	116
5.10 - TUITION AND FEES DEFERRAL .....	116
5.11 - TUITION AND FEES REFUND .....	118
5.12 - TRAVEL.....	118
<b>SECTION 6. INFORMATION TECHNOLOGY .....</b>	<b>119</b>
6.1 - INFORMATION SECURITY .....	119
6.2 - NCCCnet (Revised 8/6/2019).....	136
<b>SECTION 7. STUDENT SERVICES .....</b>	<b>141</b>
7.1 - HAZING .....	1411
7.2 - IMMUNIZATION .....	1411
7.3 - MARKETING OF CREDIT CARDS TO STUDENTS .....	1444
7.4 - MENINGITIS.....	1444
7.5 - SELF EVALUATION HEALTH REPORT .....	1455
7.6 - INTERCOLLEGIATE ATHLETICS.....	1455
7.7 - STUDENT CONDUCT CODE.....	1466
7.8 - STUDENT GOVERNMENT STRUCTURE .....	1466
7.9 - TRANSCRIPT NOTATION .....	1467
<b>APPENDICES .....</b>	<b>1488</b>
A - BOARD OF TRUSTEE MEMBER CONFLICT OF INTEREST FORM .....	1488
B - CODE OF ETHICS ACKNOWLEDGEMENT FORM .....	15151
C - GENERAL MUNICIPAL LAW OF NYS – ARTICLE 18 .....	1522

## **INTRODUCTION**

This Board Policy Manual sets forth the policies adopted by the Board of Trustees of Niagara County Community College. The Manual is to be used by trustees, college personnel, students, and community members for the conduct of relationships and responsibilities relative to the operation of the college.

Board policies shall become effective immediately upon adoption. The Official Minutes of meetings of the Board are considered an extension of this Manual, and subsequent actions of record shall, in case of conflict, take precedence over the policies contained herein.

Any laws now existing, or hereafter enacted, amended, or supplemented, where applicable, will take precedence over Board policy.

Suggestions for changes should be submitted in writing to the office of the president for consideration. Recommendations which require the adoption of a new policy or the revision of existing policy will be brought to the Board by the president.

The administration shall implement procedures to carry out the following policies.

## **NCCC VISION STATEMENT**

Niagara County Community College will be a leader in providing a dynamic, high-quality educational environment responsive to current and emerging needs of our students and community.

Adopted by Board of Trustees on 5/17/06

## **NCCC MISSION STATEMENT**

The Mission of Niagara County Community College is to provide a teaching and learning environment dedicated to excellence. Niagara County Community College is committed to maintaining the hallmarks of student centeredness, accessibility, comprehensiveness, collegiality, community partnership, and lifelong learning.

Our college nurtures and empowers its students in ways that recognize and value our common humanity as well as the richness of our diversity. NCCC offers high-quality academic programs leading to degrees and certificates which are supported by outstanding student services. NCCC provides a variety of cultural, social, and international experiences, as well as community education and workforce development that supports economic development that positively impact the quality of life. The college operates through a collegial model of shared governance and is accountable to meet the highest standards of professionalism and integrity.

Adopted by Board of Trustees on 5/17/06

## **STRATEGIC PLANNING**

7

Strategic planning at NCCC sets priorities for major initiatives to extend over a five-year period. The process for strategic planning first requires a revision or affirmation of the college's vision and mission. From that, major goals and objectives consistent with the vision and mission are developed through campus and community engagement. The strategic plan moves forward after the approval of the Board of Trustees. Strategic planning sets priorities that influence budget decisions and campus responsibilities to achieve the goals set forth by the plan. An annual report is prepared to document progress on reaching goals and objectives and to keep the Board of Trustees and the campus community informed of progress achieved and areas where continued efforts are required.

See current Strategic Plan

## **SECTION 1. BOARD OF TRUSTEES BYLAWS**

Amended: May 21, 2019

### **Article 1 - Authority and Policy**

- 1.1 Niagara County Community College is sponsored by the County of Niagara, supervised by the State University of New York and administered by the Board of Trustees, pursuant to Article 126 of the New York State Education Law.
- 1.2 Policies for the administration of the college shall be approved by the local Board of Trustees pursuant to the provisions of Article 126 of the New York State Education Law and the Niagara County Legislature's Resolution of July 31, 1962 establishing a modified Plan C.

### **Article 2 - Objectives**

- 2.1 It is the objective of the Board of Trustees to provide programs and curricula as outlined in Article 126 of the New York State Education Law, Section 6303 and Article 8 of said Law as well as the policies of the State University relating to Community Colleges.
- 2.2 It is the objective of the Board of Trustees to maintain an academic standard sufficiently high in order to ensure an excellent education for the students of the college. These standards shall be appropriate to the institutional philosophy of providing the opportunity of further education for any student with reasonable expectation of learning at the college level.
- 2.3 It is the objective of the Board of Trustees to provide full-time and part-time programs, within the one college concept as the needs and conditions of the community permit.

### **Article 3 - Officers**

- 3.1 The officers of the Board of Trustees shall be a Chairperson, a Vice Chairperson, a Secretary, and a Financial Secretary.
- 3.2 The officers shall be elected for a term of one year and shall hold office until their elected successors take office.
- 3.3 The Chairperson shall not serve consecutively more than two terms in the same office.
- 3.4 Officers shall be nominated at the May meeting and elected at the annual June meeting and take office on July 1.

### **Article 4 - Duties of Officers**

- 4.1 The Chairperson shall preside at all meetings of the Board. He or she shall appoint all members of Committees authorized by the Board and sign all documents on behalf of the Board. The Chair shall coordinate all Board activities and shall endeavor to ensure that all Board directives and policies are followed. The Chairperson shall appoint trustees as official representatives to appropriate associations/foundations. He or she is the only Trustee authorized to make public statements on behalf of the Board's adopted policies consistent with Board directives and motions.

- 4.2 The Vice Chairperson shall perform the duties of the Chairperson in his or her absence and perform such other duties as the Chairperson may delegate to him or her.
- 4.3 The Secretary shall be responsible for the notices and minutes of all meetings of the Board. He or she shall ensure the proper custody of the official minute books and all-official documents and files of the Board. In case of absence of the Secretary at a meeting, the Chairperson shall appoint a Secretary pro tempore.
- 4.4 The Financial Secretary shall ensure the proper custody, accountability, receipt, and disbursement of all funds and securities belonging to the college. He or she shall present to the Board such documents and vouchers for the disbursement of funds as are required for approval by the Board of Trustees. He or she shall render at each regular meeting of the Board, and whenever else the Board may require, an account of the financial condition of the college. He or she shall make recommendations to the Board concerning the annual audit of the fiscal operations of the college by an independent certified public accountant. He or she shall be the Chairperson of the Fiscal Committee.

#### Article 6 - Treasurer

- 6.1 The Vice President of Finance and Information Technology of the college shall be the Chief Financial Officer and Treasurer of the college.
- 6.2 The Treasurer shall be bonded for Two hundred and fifty thousand dollars (\$250,000).

#### Article 7 -- Student Membership / Faculty Observer

- 7.1 The Student Senate of the college shall conduct an election with the student body for one student representative to be a voting member of the Board of Trustees.
- 7.2 The election shall be conducted annually, prior to June 1, and the elected member shall serve for one (1) calendar year commencing on July 1 and ending on June 30.
- 7.3 The president of the College Faculty Senate will serve as an official Faculty Observer; the Faculty Observer report will be a standing item on the board agenda during which a report will be made regarding activities of the Faculty Senate and University Wide Faculty Council.

#### Article 8 - Standing Committees

- 8.1 The Standing Committees of the Board shall be:
  - a. Fiscal
  - b. Academic/Student Life
- 8.2 Each Standing Committee will have a minimum of five (5) trustee members, with one serving as committee chair, appointed by the Chair of the Board of Trustees and approved by the Board.
  - a. The Standing Committee chair will facilitate meetings at a regular monthly date and time determined at the Annual Meeting of the previous academic year. A majority of the committee members constitutes a quorum. If a quorum is not available the Board chair may appoint substitute trustee members for that meeting to create a quorum. If a joint committee meeting is held, the quorum shall consist of a majority of both committees. In



voting or consideration of a quorum each member shall be considered once regardless of committee service.

- b. Standing Committee agenda items should be prepared and available for the agenda of the first Board meeting following the standing committee meeting at which action on the item was taken.
- c. If a Standing Committee member or chair is not adequately functioning or not discharging his or her responsibilities or participating in the committee function, the Board Chair will attempt to rectify the situation through a counseling meeting with the member, before removing any committee member or chair from the committee with the approval of the Board.

8.3 The Chairperson of the Board of Trustees shall be an ex-officio member of all Standing Committees. The President of the college shall be an Advisory Member of all Standing Committees and will appoint members of his or her staff to advise/support each committee.

8.4 A trustee may attend any of the Standing Committee meetings and participate with voice but not vote.

#### Article 9 - Functions of Standing Committees

9.1 The Fiscal Committee shall review and report back to the Board all matters concerning the following: Budgets, Finance, Planning, Audits, Insurance Programs, Tuition and Fee Schedules, Transfers of Funds, College Labor Management Contracts, Contracts, Salary Schedule, Position Creation/Deletion, Capital Projects and Facility Planning, Buildings and Grounds, Foundation, Personnel/Human Resources, Technology, Technology, and other areas to be assigned.

9.2 The Academic/Student Life Committee shall review and report back to the Board all matters concerning the following: All matters relating to the Academic Affairs/Curriculum, Student Life Matters, Enrollment Management; Admissions/Retention, Student Success, Health and Safety, Housing Program, Student Activities Fee Implementation, Student Senate, Transportation, Athletic Programs, Food Service Programs, Child Care, Veterans, EOP, Faculty Senate, Student Affairs Programs, Student Conduct Code/Discipline, Library, Clubs and Organizations, College Calendar, Institutional Research, Grants, Records, and other areas to be assigned.

9.3 The Assistant to the President will provide a summary of actions of all Board Committees to assist the President and the Board Chairperson in preparation of the regular Board meeting agenda.

#### Article 10 - Ad Hoc Committees

10.1 In addition to the Standing Committees, the Chairperson of the Board shall appoint such Ad Hoc Committees as the Board or Chairperson may from time to time deem necessary in order to conduct its business.

10.2 All Ad Hoc Committees shall submit reports to the Board of Trustees. Such committees shall be considered disbanded on acceptance of their final report by the Board of Trustees or when discharged by the Chairperson of the Board.

## Article 11 - Regular Meetings

- 11.1 The Board of Trustees will meet monthly for the official transaction of business and at such more frequent intervals as the Board or the President may from time to time decide are necessary.
- 11.2 Notice of all regular meetings including the agenda, shall be mailed or delivered to all Trustees not later than five (5) calendar days preceding the regular meeting.
- 11.3 Attendance at all regular meetings shall be according to the New York State Open Meetings Law (see Article 15).
- 11.4 Regular and special meetings of the Board shall be conducted in accord with the procedures of Article 11, Article 12, and Article 13 of the Bylaws of the Board, consistent with the Open Meetings Law.
- 11.5 The right to attend public meetings of the Board of Trustees extended to members of the public shall not entail any right to speak or be otherwise recognized except as noted in Article 12.4.

## Article 12 - Procedure

- 12.1 An agenda of items of business, including all committee action, to come before the regular Board meeting shall be prepared by the Chairperson of the Board, in conjunction with the President, and furnished to the Trustees with the notice of meeting. Items not on the agenda may be considered at any meeting only upon consent of the majority of the members present.
- 12.2 The Chairperson shall preside at meetings and decide on questions of order. In his or her absence, the Vice Chairperson shall preside. In the absence of both the Chairperson and Vice Chairperson, the Secretary shall call the meeting to order and a Chairperson pro tempore shall be elected to conduct the business of the Board for the remainder of the meeting or until the Chairperson or Vice Chairperson is present.
- 12.3 The order of business at each regular meeting shall be as follows:

Pledge of Allegiance

Public Comment

Consent Agenda

Information Items

Chairperson's Report

President's Report

Student Trustee Report

Faculty Observer Report

Committee Reports

Fiscal Academic/Student

Life

Old Business

New Business

Good & Welfare

#### 12.4 Public Comment at Board of Trustees Meeting

Members of the public may be granted the opportunity to address the Board of Trustees, at a regularly scheduled meeting, according to the following criteria:

- a. Public Comment section, up to fifteen (15) minutes in length, will provide for public comments on any topic included in the board agenda.
- b. Persons wishing to address the Board of Trustees must, at least ten (10) minutes prior to the start of the meeting, sign an attendance roster containing the speaker's name, address, telephone number and topic(s) to be addressed. The Assistant to the President will have the responsibility of maintaining said rosters.
- c. Each speaker will be granted a maximum of three (3) minutes to address the Board during the Public Comment section.
- d. The Board Chairperson may, at his or her discretion, or by Board majority vote, increase the time allotted for public comment, terminate a speaker, or terminate the Public Comment portion of the meeting.
- e. The format of the Public Comment section of Board meetings is subject to change by the Board of Trustees at a subsequent meeting.
- f. Board members will not answer questions or engage in dialogue with speakers during the Public Comment period.
- g. Public Comment is a vehicle for the public to bring issues to the attention of the Trustees. Comments or questions may be referred by the Board Chair to a Standing Committee of the Board, the college administration, or to any other appropriate person, body, or agency for resolution or action.

12.5 A majority of the whole number (6 out of 10) constitutes a quorum, and not less than a majority of the whole number (6 out of 10) may lawfully exercise the Board's authority.

12.6 Roberts Rules of Order, Revised, shall govern parliamentary procedure.

#### Article 13 - Special Meetings

13.1 Special meetings of the Board shall be held on the call of the Chairperson or on the request of six (6) voting members in writing to the Chairperson with not less than 12 hours advance notice.

13.2 The specific matter to be considered at a special meeting shall be stated and no other matter shall be considered at said meeting except with the consent of all voting members of the Board of Trustees present at such meeting.

#### Article 14 - Annual Meeting

14.1 The June meeting of the Board of Trustees shall be the Annual Meeting. Specific business at this

meeting shall be the election of officers. At this meeting attention shall be focused on the Bylaws for any necessary updating or revision.

#### Article 15 -- Open Meetings Law

- 15.1 This Policy of the Board of Trustees is designed to establish internal operating procedures for the conduct of Board meetings in a manner complying with the New York State Open Meetings Law while ensuring confidentiality necessary to the effective governance of the college.
- 15.2 Pursuant to the Open Meetings Law public notice of any official convening of the Board of Trustees for the conducting of public business or of any committee or subcommittee or similar body of such public body shall be provided by notice of the time and place of said convening.
- 15.3 Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in the lobby of the Ernest Notar Administration Building at least 72 hours before such meeting.
- 15.4 Public notice of the time and place of every other meeting shall be given, to the extent practical, to the news media and shall be conspicuously posted in the lobby of the Ernest Notar Administration Building at a reasonable time prior thereto.

#### Article 16 - Informal Discussions

- 16.1 Informal gatherings of the Board of Trustees to discuss public business, whenever a quorum is present, are subject to the requirements of the Open Meetings Law. These informal meetings, which are variously known as work sessions, agenda sessions, conferences, organizational meetings, and the like, are preceded by proper public notice and be open to the public in the same manner as formal meetings at which voting is scheduled.
- 16.2 Social gatherings and casual encounters by members do not fall within these requirements.

#### Article 17 - Executive Sessions

- 17.1 Pursuant to the provision of the Open Meetings Law, the Board of Trustees, upon a majority vote of its total members, may upon a motion to that effect made in an open meeting and identifying the general area to be considered, move into executive session.
- 17.2 Business related to the following subjects may, at the Board's discretion, be discussed and voted upon in executive session:
  - A. matters which will imperil the public safety if disclosed.
  - B. any matter which may disclose the identity of a law enforcement agent or informer.
  - C. any information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed.
  - D. discussions regarding proposed, pending or current litigation.
  - E. collective bargaining negotiations pursuant to article fourteen of the civil service law.
  - F. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension,

dismissal, or removal of a particular person or corporation.

- G. the preparation, grading or administration of examinations.
  - H. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, when publicity could substantially affect the value thereof.
- 17.3 The Board may act on any of the above matters in executive session except that no action may be taken therein to appropriate funds.
- 17.4 Attendance at an executive session shall be permitted to any person(s) authorized by the Board.

#### Article 18 - Minutes

- 18.1 The minutes of Board Actions undertaken in public session shall consist of a brief summary of all motions and resolutions formally voted upon and the vote thereon. They shall be available to the public when approved by the Board at its next regularly scheduled meeting.
- 18.2 The minutes of any Board action undertaken in executive session shall report only the final determination resulting from a Board vote, the date, and the vote thereon. They shall be available to the public when approved by the Board at its next regularly scheduled meeting. However, no report need be made in the minutes of any action relating to a matter which is not required to be made public under the Freedom of Information Law and minutes reporting action which is not required to be made public may be withheld from the public under the FOI Law.
- 18.3 The Board shall be guided by said Law and its own Freedom of Information Rules and Regulations in determining what information need be reported in executive session minutes.

#### Article 19 - Chief Executive Officer

- 19.1 The Chief Executive Officer of the college shall be the President. He or she shall be appointed by the Board of Trustees in accordance with policies and procedures of the State University of New York and shall serve at the pleasure of the Board as mutually agreed in the President's contract.
- 19.2 The Vice President of Academic Affairs shall serve as Acting President and assume the duties and responsibilities of the President at times when the President is incapacitated or unable to perform the duties of the office. The Board of Trustees shall confirm any appointment that exceeds one month.
- 19.3 The Board of Trustees will evaluate the President of the college a minimum of one year prior to the expiration of the current contract. As a result of this evaluation the Board of Trustees shall propose amendments and/or modifications to the terms and conditions of the President's contract as legally appropriate. They shall also establish specific objectives for the President to address in the ensuing contract.
- 19.4 The evaluation components and timetable in the year preceding the expiration of the current contract shall be as follows:
- a. Self-Evaluation (REQUIRED): By June 1, the President shall give to the Chairperson of the Board of Trustees and the Chairperson of the Fiscal Committee a written self-appraisal

which addresses the President's responsibilities and any specific objectives which had been mutually agreed upon following the previous evaluation. The Chairperson of the Board shall be responsible for distributing the President's Self-Evaluation to all other members of the Board of Trustees.

- b. **Constituent Inputs (OPTIONAL):** The Board of Trustees may seek input from other sources as needed, such as the Presidents of the Faculty Senate, Faculty Association, ESPA, TSPA, and the outgoing student trustee. If such input is sought, the President will be so notified prior to the input being requested. All such input shall be sent no later than June 15 directly to the Chairperson of the Board and shall be made part of the Board Evaluation Summary.
- c. **Trustee Evaluation of President (REQUIRED):** By June 30, each member of the Board of Trustees shall complete a Trustee Evaluation of President Form and submit the form to the Chairperson of the Board of Trustees who, along with the Chairperson of the Fiscal Committee, will be responsible for collating all of the individual inputs into a Board summary.
- d. **Development of Mutual Objectives (REQUIRED):** In July, the Chairperson of the Board of Trustees and the Chairperson of the Fiscal Committee will seek from each Trustee any proposed objective he or she would like to see the President address during the ensuing contract. The Chairperson of the Board of Trustees and the Chairperson of the Fiscal Committee will then meet with the President to preview objectives and to mutually agree upon a proposed set of objectives to submit to the Board of Trustees.
- e. **Evaluation Meeting (REQUIRED):** In August, The Board of Trustees will meet with the President to review all evaluation inputs and proposed mutual objectives. A summary of the evaluation and any resultant proposed changes to the President's contractual terms and conditions will be presented at the regular August Board of Trustees meeting.

19.5 The Board of Trustees shall determine all compensation and benefits and establish a contract with the President.

#### Article 20 - Duties and Responsibilities of the President

20.1 In addition to serving as Chief Executive Officer of the college as described in Article 19.1, the President shall serve as an ex-officio member of the NCCC Foundation Inc., the College Association of NCCC, Inc., and appoint no less than three directors or a majority of directors to serve on the Student Housing Village Corporation Board of Directors.

20.2. The President shall:

- a. be responsible to the Board of Trustees for the daily administration of the college in accordance with the policies of the Board of Trustees and the State University of New York.
- b. hire all employees of the college in accordance with the authorized salary schedule, where applicable, and pursuant to the New York State Education Law, Article 128, Article 3 and the policies of the State University of New York, as the Board of Trustees may from time to time direct and approve.
- c. recommend an annual budget for approval by the Board of Trustees.

- d. administer collective bargaining agreements and other service contracts.
- e. assign the Officers, Faculty, and Staff of the college such responsibilities and authorities as he or she may deem necessary and they shall be responsible to him or her and through him or her to the Board of Trustees for the performance thereof.
- f. attend all meetings of the Board of Trustees to report and present such information as shall be required for the operation of the college and actions taken by him or her.
- g. develop and maintain an operations manual for the college.
- h. submit for Board approval, all proposed changes of the college curricula.
- i. approve all official publications of the college.
- j. be responsible for developing and maintaining all standards required by the State University of New York, and the standards required for accreditation by the State Education Department, the Middle States Association, and specialized professional organizations, as they pertain to specific curricula, such as the Accreditation Board for Engineering and Technology (ABET), Accreditation Commission for Education in Nursing, Inc. (ACEN), American Culinary Federation (ACF), Technology Accreditation Commission (TAC), and others as appropriate.
- k. prepare for the Board of Trustees an annual report of the college.
- l. interpret the college to the public and coordinate community activities arising there from.
- m. oversee the public relations of the college.
- n. coordinate such activities as are necessary and appropriate to obtain additional financing in the form of gifts, grants, and bequests subject to acceptance by the Board of Trustees.
- o. develop and evaluate a senior administration team of Vice Presidents and direct reports.
- p. monitor the Strategic Plan and report on status of accomplishments of the plan annually.

#### Article 21 - College Faculty

21.1 The composition of the college Faculty shall be determined by the President subject to the approval by the Board of Trustees, and may consist of the President and members of the academic and administrative staff.

#### Article 22 - Civil Service Staff

22.1 The non-academic staff shall be selected by the President in accordance with the provisions of the Niagara County Civil Service Commission and New York State Civil Service codes.

#### Article 23 - Reimbursement for Board of Trustees Expenses

23.1 Members of the Board of Trustees shall receive no compensation for services performed on behalf of the college.

- 23.2 Members of the Board of Trustees shall be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties to the college as defined in N.Y.S. Law S. 6306.

Article 24 - College Association of Niagara County Community College

- 24.1 The Board of Trustees supports the purposes of the College Association of Niagara County Community College as outlined in its certificate of incorporation, as a non-profit, educational, and benevolent membership corporation, whose general purposes are to establish and operate those activities and services, which will serve the interests and purposes of the college.
- 24.2 The Board Chair will serve as a member of the College Association Board of Directors and will appoint other such Board member representatives from the Board of Trustees as may be called for by the College Association Bylaws.
- 24.3 The Trustees are authorized to enter into a contract Agreement between the college and the College Association, and upon agreement and approval by the Trustees of said Contract Agreement, the Chairperson of the Board of Trustees shall be authorized to sign such agreement on behalf of the college.

Article 25 - NCCC Foundation

- 25.1 The Board of Trustees supports the purposes of the NCCC Foundation as outlined in its certificate of incorporation, as a non-profit, educational, and benevolent membership corporation, whose general purposes are to establish and operate those activities and services, which will serve the interests and purposes of the college.
- 25.2 The Board Chair will serve as a member of the NCCC Foundation Board of Directors or in his or her place will appoint one other such Board member representative from the Board of Trustees as may be called for by the NCCC Foundation Bylaws. The appointee accepts all Foundation dues assessments upon acceptance of the appointment.

Article 26 – Student Housing Village Corporation

- 26.1 The Board of Trustees supports the purposes of the Student Housing Village Corporation as outlined in its certificate of incorporation, as a not-for-profit corporation whose general purpose is providing, maintaining and operating residential and other facilities for the use of the students and faculty of the college and by obtaining financing to accomplish the foregoing, which will serve the interests and purposes of the college.
- The President is authorized to enter into contracts between the college and the Student Housing Village Corporation, and upon agreement and approval by the Trustees of said Contract Agreement(s), the President shall be authorized to sign such agreement(s) on behalf of the college.

Article 27 - Honors/Awards

- 27.1 The Board of Trustees may confer, within their discretion, acknowledgments of recognition. These include but are not limited to: (a) Emeritus Status; (b) Certificates; (c) Plaques; and (d) President's medal.
- 27.2 The President may confer acknowledgments of recognition to worthy individuals for services to the college or education.



- 27.3 Upon the initiation of the President, the Board of Trustees may authorize the submission of any honorary academic degree to the SUNY Board of Trustees.

#### Article 28 – Trustee Emeritus

A Trustee of Niagara County Community College may be appointed Trustee Emeritus(a) by the Board of Trustees. A Trustee Emeritus shall not be a voting member of the Board of Trustees.

- 28.1 A Trustee who has served for a minimum of two (2) terms may, upon recommendation of a member of the Board of Trustees, be elected by the Board of Trustees then in office as Trustee Emeritus.
- 28.2 This position shall be reserved for those Trustees with records of distinguished service. A Trustee Emeritus shall be nominated through the Fiscal Committee and elected by the full Board.
- 28.3 A Trustee Emeritus shall be entitled to receive notices of all meetings of the Board, to attend and speak at all such meetings, to receive minutes of all meetings of the Board and its Committees, and to be appointed as a member of all Committees. They shall have the right to participate in meetings of any committee to which they have been appointed but shall have no voting powers.
- 28.4 Privileges include written invitation to, acknowledgement at, and reserved seating for the annual commencement ceremony, provision of a parking pass, library privileges and the same benefits enjoyed by Trustees, including invitation to appropriate staff gatherings and inclusion on appropriate mailing lists.

#### Article 29 - Gifts and Bequests

- 29.1 The Board of Trustees must approve the acceptance of any gifts, donations, bequests, pledges and the like whose market value exceeds \$10,000 and for which the college is intended to directly benefit (e.g., would exclude funding of student scholarships that directly benefit students and provide indirect benefit to the college). In addition, any donations of real property to the college must be approved by the SUNY Board of Trustees.
- 29.2 Until such time as it is appropriate for the college (or its sponsor, as appropriate) to take ownership of any gifts, donations, bequests and the like, the college will utilize the NCCC Foundation to be its exclusive agent to act as custodian for the associated assets.
- 29.3 Nothing in these Bylaws shall restrict the authority of the NCCC Foundation Board of Directors from accepting gifts, donations, bequests, pledges, real property and the like for which the NCCC Foundation is intended to directly or indirectly benefit.

#### Article 30 -- Naming of Buildings and Grounds

##### 30.1 Introduction

- a. The naming of Niagara County Community College buildings and grounds after an individual is one of the highest honors the college can bestow. It is also an important component of the college's development efforts.
- b. It being in the interest of Niagara County Community College to occasionally recognize distinguished persons and benefactors, living and deceased, by naming areas of the campus in honor of the above, the Board of Trustees hereby establishes this policy to

provide guidance for such naming rights.

## 30.2 Guidelines

- a. The naming of any portion of the NCCC campus having a gift guideline value of \$10,000 or more shall be by majority vote (per section 12.5 of the policy manual) of the then-sitting Board of Trustees pursuant to guidelines established herein for that purpose. The Board shall have exclusive authority, by majority vote, to depart from the guidelines at its discretion.
- b. Any and all combinations of gifts, pledges, and irrevocable deferred gift arrangements are acceptable for naming commitments.
- c. All monetary and other gifts obtained pursuant to this policy will be made to the Niagara County Community College Foundation. The gift will be managed and the principal or appropriate interest earnings will be made available to the President of the college to be spent as directed by the policies and guidelines established by the college's Board of Trustees.
- d. Federal tax law shall determine whether or not a gift is eligible for tax deduction status as a charitable gift under appropriate tax codes.
- e. The naming of physical facilities and space in recognition of a donor or honoree implies a promise to that donor or honoree that the space, site or facility and other forms of tangible recognition will be permanently maintained, or if change is unavoidable, that an alternative means of recognizing the donor or honoree will be found.
- f. Some of the general principles guiding decisions regarding the granting of naming privileges include the following:
  1. Although it is preferred, the granting of a naming privilege need not be tied to the receipt of a significant gift.
  2. The merits of naming any physical facility or space should be determined by carefully weighing one's high scholarship, devotion or distinguished service. The naming should be able to withstand the test of time.
  3. All naming requests should support that the honoree or donor meets the highest values and societal standards.
  4. The person recommended to be honored with a naming privilege that is not related to a significant gift should have no formal association with the college for at least three years prior to the recommendation.
  5. Each gift and naming commitment should be reviewed carefully for full compliance with applicable laws and ethical principles. This is especially true where there is some direct or indirect business or other continuing relationship between the donor and the college.
  6. The naming of a gift in the form of a scholarship or an endowed chair shall not be governed by this policy.

### 30.3 Procedures

- a. Recommendation(s) for naming any physical facility or space are submitted to the Office of the President for inclusion on the agenda for the next meeting of the Board of Trustees.
- b. Recommendations are to include a detailed rationale for naming that includes the individual's contributions to the college, community, and distinguished service. The recommendation must include the space to be named and type and amount of gift consideration.
- c. Recommendations are presented to the Board of Trustees for consideration at least three times before action can be taken on the recommendation. At the first presentation the Board will review the recommendation and determine if additional information is needed to consider the recommendation. At the second presentation the Board will discuss the merits of the recommendation. At no sooner than the third meeting the Board may take action on the recommendation. As many meetings as are necessary may be used for discussion of the recommendation.
- d. All proposed names for buildings and other facilities should be held in confidence during the review and approval process. There should be a minimum of communication about the proposed naming of things on the Campus and the Culinary Institute before approval has been given by the Board of Trustees and the President.
- e. Decisions of the Board of Trustees regarding naming rights will be communicated in writing to the individual(s) making the original nomination. No rationale will be provided when approval is denied.
- f. Following approval by the Board of Trustees, a formal ceremony will be held to recognize the granting of the naming privilege.
- g. The Vice President for Operations is responsible for maintaining a record of named rooms, buildings, grounds and other spaces, and providing that record for review by the Trustees at their Annual Meeting.

### 30.4 Gift Guidelines

Guidelines for accepting monetary gifts in consideration of naming rights on the campus of Niagara County Community College and the Culinary Institute ~ Niagara Falls are as follows. Any remaining area not contemplated herein shall, if appropriate, be eligible for naming rights upon approval of the Board of Trustees in an amount commensurate with the guidelines suggested below:

#### **Niagara County Community College Campus Naming Rights**

##### **Endowment Funds**

Restricted (Donors special interest)	\$ 10,000
Unrestricted (Used where the need is greatest)	\$ 10,000
Scholarships	\$ 10,000

<u>Location</u>	<u>Consideration</u>
-----------------	----------------------

Building (B,C,E,F,G,or H) .....	\$1,000,000
Health and Wellness Center .....	500,000
Large Gymnasium .....	500,000
Snack Bar .....	\$ 500,000
Theatre .....	500,000
Large Dining Room .....	250,000
Lecture Hall .....	250,000
Small Gymnasium .....	250,000
Faculty Dining Room .....	100,000
Athletic Spaces (Basketball/Tennis Courts, Soccer Fields, Baseball/Softball Diamonds, Track .....	50,000
Computer Labs .....	50,000
Smart Classroom .....	25,000
Faculty Dining Room Table .....	1,000
Faculty Dining Room Chair .....	500
Theater Seat .....	500
Gym Bleacher Seat .....	250

**Learning Commons Naming Opportunities**

Learning Commons.....	1,000,000
Child Development Center.....	250,000
Commons Atrium.....	250,000
Community Conference Room.....	150,000
E-Commons.....	150,000
Academic Center for Excellence.....	150,000
Child Development Center	
Gross Motor Classroom.....	25,000
Infant Classroom.....	25,000
Pre-K Classroom.....	25,000
Toddler Classroom.....	25,000
Lecture Classroom (12).....	25,000
Balcony (South).....	10,000
Child Development Center	
CDC Nutrition & Environment.....	10,000
CDC Wellness Room.....	10,000
Group Study Room (5).....	10,000
Lounge (South).....	10,000
Lactorium Room.....	5,000

**Niagara County Community College Campus Currently Named**

Administration Building	Notar Administration Building
Art Gallery	Dolce-Valvo Art Center
Board of Trustees Conference Room	Robert Michael Sdao Memorial Board Room
Book Store	Barnes & Noble Book Store
Classroom E114	Nicole Argo Memorial Classroom
Library	Henrietta A. Lewis by Grigg-Lewis Foundation
Group Study Room (D312)	Dr. Mark Bonacci Group Study Room

**Niagara Falls Culinary Institute ~ Annual Sponsorships**

Culinary Demonstration Theatre	\$ 100,000
Library Resource Center – includes:	\$ 100,000
Computer Lab	
Conference Room	
Library Resource Area	
Study Area	
Deli	\$ 50,000
Labs	
Ice Carving Lab	\$ 50,000
Mixology Lab	\$ 50,000
Pastry Lab	\$ 50,000
Pastry Cafe	\$ 50,000
Restaurant	\$ 50,000
Small Business Store	\$ 50,000
Teaching Kitchens	
Cuisine Lab II	\$ 50,000
Garde Manger Lab	\$ 50,000
Saucier Lab	\$ 50,000
Wine Boutique	\$ 50,000
Chef's Table	\$ 25,000
Children's Nutrition Center	\$ 25,000
Smart Classrooms (3)	\$ 25,000
Student Cafeteria	\$ 25,000
Fountain	\$ 10,000

**Culinary Institute Currently Sponsored**

**Expiration Date**

Baking & Pastry Production Lab	Seneca Gaming	(12/2021)
--------------------------------	---------------	-----------

**Article 31 - Amendments**

- 31.1 These Bylaws may be amended by a vote of not less than a majority of the whole number (6 out of 10) of Trustees.
- 31.2 Notice of proposed amendment shall be presented in writing at a regular meeting of the Board and shall not be acted upon prior to the next regular meeting.

**Article 32 - Self Assessment**

- 32.1 The Board of Trustees will conduct a self-assessment every three years or as often as otherwise determined by the Board of Trustees.

**Article 33 - Orientation of Board Members**

- 33.1 Upon appointment to the Board of Trustees, each new Trustee shall be apprised of the policy on new board member orientation by the Board Chair.
- 33.2 Within six (6) months of appointment, each new Trustee is expected to participate in a Trustee orientation and training workshop/activity offered by (a) New York Community College Trustees,

Inc., (b) American Association of Community Colleges, or (c) Association of Community College Trustees.

- 33.3 The President will coordinate a campus orientation for each new Trustee, including the Student Trustee, within two months of appointment to the Board. This orientation should include a tour of the main campus and satellite locations as appropriate.
- 33.4. An orientation manual will be distributed to the new Trustee within 30 days of appointment and will consist of:
1. Map of campus.
  2. Catalogue, schedule of courses and brochures listing all other classes offered.
  3. Planning documents, such as the Strategic Master Plan and Campus Master Plan.
  4. Description of the NCCC Foundation, other auxiliary organizations, and campus governance organizations/groups.
  5. Demographic summaries of students and staff.
  6. Organizational charts.
  7. Most recent accreditation report(s).
  8. Most recent approved budget and appropriate monthly updates.
  9. Most recent audits.
  10. Contracts with all bargaining units.
  11. Annual Report.
  12. Minutes of the last three months of Board meetings.
  13. Bylaws of the Board of Trustees.
  14. College Procedures Manual.
  15. Campus telephone directory, including photo directory when available.
  16. Brief summary of Parliamentary Procedure.
  17. Community College Regulations.

Trustee Directory.

## **SECTION 2. GENERAL ADMINISTRATION**

### **2.1 - ALCOHOL AND DRUG USE IN THE WORKPLACE POLICY**

#### **POLICY SUMMARY**

The unlawful use, possession, manufacture, dispensation or distribution of controlled substances or alcohol in all college campus and work locations, or in the course of performing duties of employment with the College, is prohibited. This policy is applicable to all Niagara County Community College employees.

#### **POLICY**

In compliance with the Federal Drug-Free Workplace Act of 1988, employees of Niagara County Community College (“NCCC”) should be aware of and must adhere to the policy stated below:

The unlawful use, possession, manufacture, dispensation, purchase or distribution of controlled substances or alcohol in all NCCC campus and work locations, or in the course of performing duties of employment with the College, is prohibited. The term “controlled substance” means a controlled substance in Schedules I through V of Section 202 of the Controlled Substances Act (21USC8112), and as further defined in regulation at 21 CFR 1308.11–1308.15.

Students and employees should be aware there are significant psychological and physiological health risks associated with the use of controlled substances and alcohol. Physical addiction, loss of control, and withdrawal syndrome as well as serious damage to vital organs of the body can result from drug and alcohol use and abuse.

No employee will report for work or will work impaired by any controlled substance, alcohol, or lawful prescription or over-the-counter medication. “Impaired” means under the influence of a substance such that the employee’s motor senses (i.e., sight, hearing, balance, reaction, or reflex) or judgement either are or may be reasonably presumed to materially impact the employee’s ability to perform job functions. An employee should contact the Director of Human Resources/Title IX Coordinator in advance to review any circumstances where the employee believes or reasonably should be expected to know that performance of job functions may be affected by use of lawful prescription or over-the-counter medication.

Employees will be subject to criminal, civil, and disciplinary penalties consistent with applicable laws, rules, regulations and collective bargaining agreements if they use, manufacture, distribute, sell, attempt to sell, possess, or purchase controlled substances while at the workplace, while performing in a work-related capacity or under circumstances which have a nexus to the employee’s employment with the College. An employee may possess and use a controlled substance which is properly prescribed for him/her by a physician, subject to the conditions on use set forth above.

As required by the Federal Drug-Free Workplace Act of 1988, any employee at NCCC convicted of a criminal drug statute violation occurring at the workplace must notify his/her supervisor of the conviction within five (5) days after the conviction. NCCC must inform contracting or granting agencies of such convictions within ten (10) days after receiving notification from the employee or otherwise receiving notice of a conviction.

NCCC will impose appropriate disciplinary sanctions on employees found to be in violation of standards of conduct as follows:

- NCCC will take all steps necessary to assure the proper conduct of its activities.

This may include the use of the counseling and discipline procedures. If a decision is reached to allow the affected employee to continue employment at NCCC, the employee may be required to participate in and satisfactorily complete an approved drug abuse assistance or rehabilitation program.

- Where an appointing authority or designee has a reasonable suspicion that an employee is not able to perform his/her duties as a result of disability which may be caused by alcohol or a controlled substance, the appointing authority may proceed under the provision of Section 72 of the Civil Service Law and require that the employee undergo a medical examination to ascertain the cause of the disability. Where testing for alcohol or a controlled substance occurs, appropriate medical procedures and tests should be utilized to assure accurate and proper results. Confidentiality of the testing process and results is an important aspect of this procedure for any affected State employee. Such medical examinations may be required under the safeguards of Section 72 of the Civil Service Law for employees who are permanently appointed competitive employees subject to due process before termination. Other State employees who are not entitled to any due process protections before being terminated or placed on involuntary examination may also be required to undergo such a medical examination, if appropriate under the circumstances.
- Once a determination is made that any employee at NCCC is in violation of this Policy, the appointing authority may determine that the affected employee should be disciplined, subject to administrative action and/or whether a referral should be made to appropriate law enforcement authorities. Disciplinary action may be taken pursuant to the procedures contained in the collective bargaining agreements or the law, as appropriate and required.
- The appointing authority may determine that the employee could benefit from the Employee Assistance Program. In such as case, a referral will be made. EAP is a free, voluntary, information and referral service available to NCCC employees and family members. Should the employee have a substance abuse problem, EAP will provide the employee with resources in the community for treatment services, and may assist the employee in making the contact.

#### State Sanctions

- The State Penal Code has numerous penalties for the possession and sale of controlled substances; stimulants, LSD, hallucinogenic substances, and marijuana. Possession and sale of controlled substances sanctions range from misdemeanor to felony, with penalties ranging from one year to life. Marijuana possession and sale sanctions range from violations to felonies, with penalties from fines up to \$1000 and up to fifteen years in prison.

#### Federal Sanctions

- Federal law has numerous penalties for the illegal possession of controlled substances, possession of crack cocaine, and trafficking in methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, and fentanyl analogue.
- Possession sentences range from up to one year imprisonment and \$1,000 fine to 20 years imprisonment and fines up to \$250,000. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance can be a sanction for convictions. Sanctions can also include denial of federal benefits, such as student loans, grants, contracts, public housing tenancy, eligibility to receive or purchase firearms, and professional and commercial licenses. Federal trafficking sanctions can range from one year imprisonment and



\$100 fine to life in prison and a fine of \$8 million dollars.

**The following NCCC resources are available for assisting those with possible problems of chemical abuse:**

Wellness Center, Science Building Room C122 or by calling (716) 614-6275

EAP-Northpointe Council, Inc., 800 Main Street Suite 2A, Niagara Falls, NY 14094 716-284-2255

YWCA of the Niagara Frontier, 32 Cottage Street, Lockport, NY 14094 or by calling 716-433-6714

**For further information on the Alcohol & Drug Use in the Workplace Policy, please visit:**

[https://www.suny.edu/sunypp/documents.cfm?doc\\_id=440](https://www.suny.edu/sunypp/documents.cfm?doc_id=440) (SUNY guidelines)

<https://ifap.ed.gov/regcomps/attachments/86.pdf> (Federal Guidelines)

**Policy Information Contact Information:**

Niagara County Community College Human Resources Department

A261 Notar Administration Building, 3111 Saunders Settlement Rd, Sanborn, NY 14132

716-614-5950 phone

## 2.2 - BACKGROUND CHECK POLICY

### Objective

Niagara County Community College (NCCC) is committed to maintaining a safe environment for its faculty, staff, students, volunteers, and the general public that use our facilities. Therefore, in order to ensure the hiring of employees of the highest integrity and to maintain a safe campus community, NCCC will conduct an **employment** criminal background check on all individuals for whom employment is to be tendered, or who volunteer at either of our campus locations.

### Guidelines

NCCC will perform an employment criminal background check on all new hires (part-time and full-time.) New hire employees and volunteers will be notified by the human resources office of the college's background investigation procedure authorizing NCCC to conduct a criminal background investigation which will include: criminal conviction verification, sexual offender registry status, and driving records.

Inconsistency, omission, or falsity of information provided by the candidate/volunteer versus that obtained by the criminal background check may disqualify the applicant/volunteer from further consideration in the search process. Those applicants/volunteers who are discovered to have past criminal convictions will be evaluated for employment or volunteer assignment. If there is a direct relationship between the criminal offense and employment or volunteer assignment, whereby the granting of employment or volunteer status would involve an unreasonable risk to property, safety, welfare of specific individuals or the general public, the applicant may be denied employment/volunteer status. Factors that will be considered in determining employment/volunteer assignment consideration include:

- Specific duties and responsibilities related to employment or volunteer assignment.
- The bearing, if any, the criminal convictions will have on ability to perform job duties or volunteer assignment.
- The time that has elapsed since the criminal offense.
- The age of the applicant at the time of the criminal offense.
- The seriousness of the offense.
- The legitimate interest in protecting property.
- The safety and welfare of individuals and the general public.
- Any information produced by the applicant, or produced on his/her behalf, in regard to his/her rehabilitation and good conduct.
- Overall public policy of New York State to encourage the employment of persons previously convicted of one or more criminal offenses.

New employees or volunteers will be asked to sign a criminal background check release form authorizing NCCC to conduct a criminal background check. Failure to sign the release form will disqualify the candidate from further consideration of employment with the Niagara County Community college or for volunteer assignment.

All information received in the criminal background check process will be maintained in confidential, secure files in Human Resources, separate from employee personnel or volunteer files, with access allowed only to those who have a legitimate business related reason to review the information.

#### Procedure

1. Human Resources will have the responsibility for ensuring all applicants for employment are aware of the college's procedure in conducting criminal background checks. Human Resources will also be responsible for ensuring that volunteer applicants are aware of the college's policy for criminal background checks.
2. This procedure will be communicated via the Human Resources website, FYI website, and employment advertisements. Employment position advertisement will contain notification to applicants that, "Finalists are subject to successful results of a criminal background check."
3. Human Resources is responsible for ensuring criminal background checks are completed within the guidelines of this procedure and federal and state regulations. Results are obtained typically within 24 hours.
4. New hires will be required to sign a criminal background check release form, allowing NCCC to conduct a criminal background check which will include: criminal conviction verification, sexual offender registry status, and driving records. The Human Resources Office is responsible for providing the criminal background check release form to all new hires.
5. Any offer of employment will be **contingent upon successful completion** of the positive outcome of the criminal background check. The college reserves the right to rescind an employment offer due to the results of criminal background check. A copy of Article 23-A of the New York Correction Law and A Summary of Your Rights Under the Fair Credit Reporting Act will be provided to new hires/volunteers required to complete a criminal background check along with the release form. ***A copy of Article 23-A or the FCRA is for informational purposes and should not be returned with the release form.***
6. Human Resources will be responsible for determining if there is a direct relationship between one or more of the previous criminal convictions to the job duties to be performed (employment or volunteer) and other safety factors as indicated in the policy. A decision will be made if the candidate needs to be disqualified based on the results of the information contained in the criminal background check. The hiring division/department will be informed by Human Resources management.
7. Applicants/volunteers will be formally notified in writing that NCCC Human Resources has received disqualifying information from the criminal background check results. The applicant/volunteer will be presented with the information obtained in the criminal background check and will be provided an opportunity to respond to the facts of the situation.
8. After five (5) business days, barring the receipt of any new information that changes or clarifies and eliminates any discrepancies, NCCC shall send the applicant/volunteer a second letter rejecting his/her candidacy/volunteer status based on the disqualifying information generated by the criminal background check report.
9. All information received in the criminal background investigation process will be maintained in

the Human Resources Office in confidential, secure files, separate from employee personnel files.

## 2.3 - BONE MARROW AND BLOOD DONATION LEAVE

### Eligibility

Administrators who work more than 20 hours per week are eligible to take bone marrow and blood donation leave under this policy

### Bone Marrow Donation Leave

Eligible administrators may take up to 24 hours of unpaid leave to donate bone marrow or use sick leave accruals. The College reserves the right to request a written physician verification of the purpose and length of bone marrow donation leave.

### Blood Donation Leave

Eligible administrators may take up to three hours of unpaid leave per 12-month period to donate blood or use sick leave accruals. The College reserves the right to request verification of the employee's blood donation.

### Compensation During Leave

Leave under this policy is unpaid. Administrators may choose to use available accrued but unused paid time off in lieu of unpaid leave. Any leave that is accrued under this policy, but not used, will not carry over to the next year.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

### Requesting Leave

Requests for leave must be made as far in advance as possible, but no less than 3 business days for blood donation leave and 24 hours for bone marrow donation leave before the leave is scheduled to begin, except in cases of emergency when advance notice is not possible.

## 2.4 - CANCER SCREENING POLICY

New York State Civil Service Law entitles employees to take up to four hours of paid leave annually, without charge to leave credits, for all cancer screenings and up to 8 hours annually for screening for colon cancer.

Travel time is included in the four or eight hour leave period. Absence beyond the four hours must be charged to leave credits. Employees who undergo screenings outside their regular work schedule do so on their own time.

Employees are required to request the time off from their supervisor prior to the procedure and to provide medical evidence of the screening with their leave request or time sheet. Employees required to complete time sheets should enter the amount of time off on the line marked "other" and annotated with "cancer screening." Employees will be charged for the time off if documentation of the procedure is not provided.

## 2.5 - CODE OF ETHICS

The Niagara County Community College Code of Ethics is established pursuant to Article 18 of the General Municipal Law and incorporates the standards set forth in sections 800 through 805-a of Article 18 as well as the Niagara County Code of Ethics. By incorporating the standards established by Article 18 of the General Municipal Law and the Niagara County Code of Ethics, Niagara County Community College is ensuring that the highest level of ethical conduct becomes the standard for college officers, including all members of the Board of Trustees, and college employees which, in turn, assures public confidence in the operation of the college.

### A. Scope of the Code of Ethics

The scope of this Code shall be in addition to all other legal restrictions, standards, and provisions pertaining to the conduct of the college officers and employees. Every provision of this Code, except as expressly limited, shall apply to every college officer, including all members of the Board of Trustees, and employees, whether paid or unpaid.

### B. Standards of the Code of Ethics

Except as provided in section 802 of Article 18 General Municipal Law, no college officer or employee shall have an interest in any contract with the college when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment there under, (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has the powers or duties set forth above.

Except as provided in section 802 of Article 18 General Municipal Law, no chief fiscal officer, treasurer, or his or her deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the college.

### C. Gifts:

No college officer or employee shall, directly or indirectly, solicit any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. In the absence of clear and convincing evidence to the contrary, it shall be presumed that any gift less than seventy five dollars (\$75.00) (*the County Code of Ethics and Article 18 of General Municipal Law*) in value is not a violation of this section.

### D. Representation Before College Agencies, Committees, or Boards: No college officer or employee shall receive or enter into any agreement expressed or implied for compensation for services to be rendered in relation to any matter before any college agency provided, however, that this section shall not be applicable to any college officer or employee who does not receive compensation by reason of his or her college position, nor to any matter before a college agency which does not possess substantial discretion in the matter.

### E. Use of Position

1. No college officer or employee shall accept any employment or acquire any investment under circumstances in which an impression may reasonably be created that he or she will thereby be influenced in the conduct of his or her office but nothing contained herein shall prohibit any officer or employee from holding any position of employment with any

other governmental body or authority not otherwise incompatible with State Law. No college officer or employee shall use or attempt to use his or her official position to secure unwarranted benefits, privileges or exemptions for themselves or others.

2. No college officer or employee shall take, or refrain from taking, any action on any matter before the college in order to obtain a pecuniary or material benefit or which gives the impression of favoritism in their official duties and which is based on kinship, rank, position, or influence for: (1) himself or herself; (2) a family member; (3) any partnership or unincorporated association of which the college officer or employee is a member or employee or in which he or she has a proprietary interest; (4) any corporation of which the college officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock; (5) any person with whom the college officer or employee or his or her family member has an employment, professional, business, or financial relationship; or (6) any person from whom the college officer or employee, or his or her spouse, has received a pecuniary or material benefit having an aggregate value greater than \$1,000 per year.

*Note: Board of Trustee members shall not be present during discussions and shall recuse themselves from voting on employment actions (e.g. union contracts, promotions, appointments, reappointments, leaves of absence, sabbaticals, awards, tenure) that affect family members or relatives.*

3. No college officer or employee who, or whose spouse, owns or controls 5% or more stock in a firm and no partnership or unincorporated association as defined in paragraph 5b above may do business with the college unless: (1) the value of the goods or services does not exceed \$500 per year; or (2) the goods or services are provided after public notice and competitive bidding.
4. Nothing in this paragraph 5 shall be construed to prohibit a college officer or employee or any other person from receiving a college service or benefit or using a college facility, which is generally available to employees or to the general public.

#### F. Disclosure of Information

No college officer or employee shall disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interests.

#### G. Duty to Report

Every college officer or employee shall report to the President and the Board any action, which may reasonably be interpreted as an improper attempt to influence him or her in the conduct of his or her office.

#### H. Future Employment

After the termination of service or employment with the college or its agencies, no college officer or employee shall appear or practice before any board or agency of the college, except on his or her own behalf, for a period of one (1) year after termination of his or her service or employment. In relation to any case, proceeding, or application in which that person personally participated during the period of service or employment, or which was under the person's active consideration, the prohibition against any such appearance or practice shall be permanent.

Nothing in the Code of Ethics shall be deemed to bar or prevent the timely filing by a present or former college officer or employee of any claim, account, demand, or suit against the

college on behalf of himself or any member of his or her family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

I. Disclosures Required by the Code of Ethics

1. Disclosure of Interests Regardless of Conflict - Every College officer, including every member of the Board of Trustees, or employee, who is authorized in the usual course of duties to exercise a substantial degree of discretion in financial or regulatory transactions with private entities shall, within thirty (30) days after taking office and within thirty (30) days after any change in the status of the matters hereinafter enumerated, provide to the Board or their designee a statement in writing identifying:

- a. The name of any business, company, and/or corporation for profit which he or she and/or his or her spouse, and/or any of his or her children hold five (5) percent or more of the interest or stock.
- b. Self-employment or employment by or membership in or on the board of directors of any corporation, partnership, association, person or other entity from which he or she derives gross income in excess of five hundred (\$500.00) dollars per year.

Members of the Board of Trustees appointed by the County Legislature who do not have any such interest shall so provide a statement to that effect to the Executive Secretary to the Board of Trustees (Appendix A).

Such statements of disclosure shall be matters of public record and shall be made available to the public through the minutes of the regularly scheduled meetings of the Board.

2. Disclosure of Interest in College Business - To the extent that he or she knows thereof, any officer or employee of the college, whether paid or unpaid, who participates in the discussion or gives an official opinion to the Board shall disclose the nature and extent of any direct or indirect financial or other private interest he or she has in such matter in a concise written statement to the Chairman of the Board, who shall direct such statement be part of the official record of the meeting of the Board.

3. When an officer or employee must take official action on a matter in which has a substantial economic interest distinct from that of the general College, he or she should consider divesting him or herself of that interest, if he or she feasibly can do so without undue hardship. His or her decision in that regard shall be conclusive.

- a. If he or she does not divest himself of such interest, he or she shall disclose it in a concise written statement to the Chairman of the Board, who shall direct such statement be part of the official record of the meeting of the Board. Considering both the seriousness of any possible inference of impropriety and the seriousness of the affirmative College need for his or her participation in the action under consideration, he or she may abstain from participation in such action. His or her decision in that regard shall be conclusive.
- b. Having made fair disclosure, his or her decision not to abstain shall not be deemed unethical.

J. Violations of the Code of Ethics

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any provisions of this Code or that of Article 18 of the

General Municipal Law may be fined, suspended or removed from office or employment as the case may be, in the manner provided by law.

K. Distribution of Code of Ethics

The President shall cause a copy of this Code of Ethics to be compiled with Article 18, sections 800 – 805a, of the General Municipal Law and such other matter as he or she shall deem relevant and shall cause a copy of such compilation to be distributed to every officer and employee of the college within 30 days after formal adoption of this policy or as soon as may be practicable. Every officer and employee elected or appointed thereafter shall be furnished a copy of such compilation within 10 days after entering upon the duties of his or her office or employment. All persons so furnished shall acknowledge receipt of this compilation by signing the Code of Ethics Acknowledgement Form (Appendix B).

## 2.6 - CONDUCT ON CAMPUS

The academic community of Niagara County Community College recognizes that freedom to dissent is a characteristic of a democratic society. Reasoned dissent can strengthen and improve our society and our community by calling attention to rules, regulations and beliefs that are unjust, wrong and/or no longer serve the purposes for which they were instituted. Freedom of inquiry and expression are essential if the search for knowledge and truth, which are the prime goals of education, are to be achieved. However, the academic community must be free from coercive disruption and disorder that interferes with the operation of the institution, limits the freedom and openness of the academic community, destroys property and prevents others from exercising their rights. It is within this context that these guidelines have been established as policy.

1. No person, either singly or in concert with others, shall commit or engage in the following conduct:
  - a. Willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which they have a lawful right to do, or to do any act which they have a lawful right not to do.
  - b. Physically restrain or detain any other person, nor remove such person from any place where they are authorized to remain.
  - c. Willfully damage or destroy property of the institution or under its jurisdiction, nor remove or use such property without authorization.
  - d. Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member.
  - e. Enter upon and remain in any building or facility for any purpose other than its authorized use by others, or without authorization, remain in any building or facility after it is closed.
  - f. Refuse to leave any building or facility after being required to do so by an authorized administrative office.
  - g. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
  - h. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express their views, including invited speakers.
  - i. Knowingly have in their possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, other firearm, or other dangerous instrument that could cause death or serious injury without written authorization of the President whether or not a license to possess the same has been issued to such person. Exceptions to this are as follows:

1. Persons in the military service of the State of New York duly authorized by regulations issued by the Chief of Staff to the Governor.
  2. Duly appointed peace officers as defined by the Criminal Procedure Law of the State of New York.
- j. Violate any Federal, State, County or Local Law.
1. No person shall willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
  2. These rules shall govern the conduct of students, faculty and other staff, licensees, invitee's, and all other persons, whether or not their presence is authorized, upon the campus of Niagara County Community College.
  3. Nothing herein is intended, nor shall it be construed, to limit or restrict freedom of speech nor peaceful assembly.
  4. Nothing herein is intended, nor shall it be construed, to limit or restrict freedom of speech nor peaceful assembly.
2. It is recognized that participation in illegal activities erodes the basic foundations of our society. The academic community, as a cornerstone of this society, must do its utmost to discourage illegal and/or disruptive activity at the college and assure that possible participants are fully aware of the consequences of such actions. The purpose of this policy is to define the disciplinary action that will be taken by the college. Participation in prohibited conduct shall result in the following disciplinary action:
- a. If he or she is a licensee, have his or her authorization to remain upon the campus or other property withdrawn and he or she shall be directed to leave the premises. In the event of his or her failure or refusal to do so, he or she shall be subject to ejection.
  - b. If he or she is a trespasser or visitor without specific license or invitation, be subject to ejection.
  - c. If he or she is a student, be subject to expulsion or lesser disciplinary action as the facts of the case may warrant, including suspension, disciplinary probation, restitution, censure, warning, or admonition.
  - d. If he or she is a faculty member having a term or continuing appointment, be guilty of misconduct and be subject to dismissal or termination of his or her employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure, in accordance with the terms and conditions contained in the contract agreement between the Faculty Association and the college.
  - e. If he or she is a staff member in the classified service of the Civil Service, described in Section 75 of the Civil Service law, be guilty of misconduct, and be subject to the penalties prescribed in said section.
  - f. If he or she is a staff member other than one described in paragraph 4 and 5 above be subject to dismissal, suspension without pay or censure.
3. If the accused participant is not satisfied with the disciplinary action determined, appeal may be made as follows:
- a. Students may appeal in accordance with the "Student Disciplinary and Appeal Procedures."
  - b. Faculty members may appeal in accordance with the terms of the Contract Agreement between the Faculty Association and the college.
  - c. Staff members in the classified service of the Civil Service may appeal in accordance with the terms of the Civil Service Law.
  - d. Other staff members not included in paragraph b and c above may appeal in



accordance with the written policies of the Board of Trustees.

## 2.7 - CONFIDENTIALITY OF PROTECTED INFORMATION

### A. Health Information

NCCC is committed to protecting the privacy and confidentiality of health information about its employees and students. Protected health information is strictly confidential and should never be given, nor confirmed, to anyone who is not authorized under college policies or applicable law to receive this information.

### B. Definitions

Protected Health Information (PHI) is any information that either identifies an individual or could reasonably be used to identify an individual that relates to:

1. The past, present or future health condition, either physical or mental, of an individual, or
2. The provision of health care to an individual, or
3. The past, present or future payment for the provision of health care to an individual.

This policy applies to protected health information in any form, including spoken, written or electronic form. It is the responsibility of every employee/student worker to protect the privacy and preserve the confidentiality of all protected health information. Only persons who have a need to know may have access to PHI.

### C. Public Viewing/Hearing

All NCCC employees/student workers are expected to keep protected health information out of public viewing and hearing. Protected health information should not be left in conference rooms, out on desks or on counters or other areas where the information may be accessible to the public or to other employees/student workers who do not have a need to know the protected health information. NCCC employees/student workers must also refrain from discussing protected health information in public areas, such as elevators and reception areas, etc. Offices maintaining PHI must ensure that such information is kept in a locked filing cabinet when not in use.

### D. Databases and Workstations

NCCC employees/student workers are expected to ensure that they exit any confidential database upon leaving their workstations so that protected health information is not left on a computer screen where it may be viewed by individuals who are not authorized to see the information. Software such as Notepad may not be used to document protected health information, as it is not password protected.

### E. Downloading, Copying, Removing, and Disposal

NCCC employees/student workers should not download, copy or remove from NCCC any protected health information, except as necessary to perform their duties. Employees/student workers may not keep or maintain copies of protected health information in their possession outside of their workplace. In addition, department supervisors must ensure that all protected health information is disposed of in an appropriate manner. Paper copies of protected health information must be shredded. Protected health information in old PC's that are being removed must be deleted.

#### F. Emailing and Faxing Information

NCCC employees/student workers may not transmit protected health information over the Internet, including email, and other unsecured networks. When faxing protected health information, the following procedures must be followed:

- a. Call the intended recipient prior to faxing information.
- b. Use a cover sheet containing a confidentiality notice, and
- c. Verify receipt of fax with the intended recipient, when appropriate.

#### G. Curiosity or Concern

NCCC employees/student workers may not access, review or discuss protected health information for purposes other than their stated duties.

#### H. Policies & Procedures

NCCC employees/student workers must adhere to all privacy policies and procedures, including campus and department specific policies. The supervisor should be consulted if an employee is unsure how to proceed in a specific circumstance.

#### I. Violations

NCCC employees/student workers who violate this policy will be subjected to disciplinary action. Employees represented by a collective bargaining unit will be subjected to disciplinary action pursuant to the applicable collective bargaining unit agreement. Employees/student workers not represented by a collective bargaining unit may be subjected to sanctions up to and including termination of employment.

#### J. Student Records Information (Access To and Release)

The Family Educational Rights and Privacy Act (FERPA) afford eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights begin once a student is enrolled in coursework and include:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Students may ask the College to amend a record that they believe is inaccurate. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate.

If the College decides not to amend the record as requested by the student, the College will notify the student in writing of the decision and advise the student of his or her right to a hearing re-garding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the College discloses personally identifiable information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by NCCC and/or the State University of New York – SUNY in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for NCCC and/or the State University of New York - SUNY.

Should you wish to allow access to personally identifiable information to an outside party (other than those exempted by law), you may [click here for instructions on how to grant proxy access](#) to your records in [Banner Web](#).

Certain directory information may be released without the student's permission. Niagara County Community College has defined directory information to include: the student's name, address (including email), telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. However, a student may prevent the release of such information by completing the appropriate form in the Registration & Records Office. You can click this link for a printable form: [Request for Non-Disclosure form](#)

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Niagara County Community College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the educational records without obtaining prior written consent of the student –

To other school officials, including teachers, within the College whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31(a)(1))

To authorized representatives of the U.S. Comptroller General, the U.S. Attorney

General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the College's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))

To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31 (a)(6))

To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))

To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))

To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))

To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))

Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))

To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

The disclosure concerns sex offenders and other individuals required to register under section 17010 of the Violent Crime Control and Law Enforcement Act of 1994.

## FERPA Annual Notice Addendum

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records — including your Social Security Number, grades, or other private information — may be accessed without your consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to your education records and PII

without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

For more information about FERPA, visit the [Student Privacy](#) website.

## 2.8 - COPYRIGHT

All members of Niagara County Community College shall retain all property rights to copyright and publish creative endeavors. All property rights in books, teaching aids, audio and video productions, computer software, and similar creative output as well as equipment designed and invented, shall belong to the employee(s) who shall have written such materials or designed/invented such equipment, developed or designed in conjunction with his or her normal job responsibilities/assignments, with any extended or released time or assigned project authorized or directed by the college.

### A. Property Rights

1. The right to publish for private profit and right to copyright any book, manual, software program, or other printed materials, and
2. The right to negotiate privately with any person, firm, or corporation for the manufacturer of any equipment or teaching aid, and the right to acquire any patent rights which may be obtainable thereon.

The property rights for joint projects of employees undertaken either as part of a teaching assignment, released time, or assigned project, or on their own time, shall be shared by the participants in such manner as they agree in writing.

Notwithstanding, the property rights of any employees in any books, teaching aids, computer software, creative endeavor, or equipment developed or designed by said employees, Niagara County Community College shall, to the extent that said materials were produced in connection with an extended or release time project or program, as a compensated assignment/project, or supported by the materials, equipment, or travel, have joint property rights therein. Said joint property rights shall entitle the college to forever and indefinite use of said books, teaching aids, computer software, or equipment, regardless of copyrights or patents, and remain excluded from any payment of any royalties, commissions or other pecuniary profit to the employee.

The College shall have nontransferable rights, in perpetuity, to unrestricted use within the college, of all inventions, discoveries, writings, or other creative endeavors, made or authored by employees while under contract to the college. Niagara County Community College shall, in addition to perpetual use, have the option of being reimbursed to the extent and amount the college paid by means of stipends, load reduction, sabbatical release time, etc. for the production of said creative endeavor. The option of reimbursement would be decided before-the-fact, and would be negotiated with the employee during the initial activity approval stages. The decision to exercise the option of reimbursement concept would be determined by the President in consultation with the appropriate supervisory Vice President.

In the case of materials produced as the result of federal, state, or private grants funding, the funding agency will retain a non-exclusive, irrevocable right to reproduce, publish, or otherwise use the materials for agency purposes, exclusive of any royalties.

Employees will be expected not to allow the privilege to write and retain the right to their work to interfere with their College duties. In those cases where said employee desires the help of the college facilities (for creative endeavors within employment duties), arrangements should be made in advance through the appropriate Administrative staff of the college.

Because the institution must follow existing law regarding use of copyrighted materials, this policy provides guidelines to be followed by College employees to ensure awareness of and compliance with existing copyright (photocopying) law.

#### B. Fair Use

Niagara County Community College does not condone a policy of copying instead of purchasing copyrighted works where such copying would constitute an infringement under the copyright law, but it does encourage its employees to exercise good judgment in serving the best interests of students in an efficient manner. It is the policy of the college that the user (administrator, faculty, or staff) secure permission to reproduce copyrighted works whenever it is legally necessary, i.e., when such copying is beyond the limits of fair use.

In determining "fair use" four factors shall be considered:

1. The purpose and character of the use including whether such use is of a commercial nature or is for nonprofit education purposes.
2. The nature of the copyrighted work.
3. The amount and substantiality of the portion of the material used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of copyright work. The copyright law applies to all forms of copying whether it is undertaken at a commercial copying center, at the college central or departmental copying facilities, or at a self-service machine.

#### C. Permissible Copying of Copyrighted Works

The Copyright Act allows anyone to copy copyrighted works without securing permission from the copyright owner when the copying amounts to a "fair use" of the material. Therefore, the user should weigh the various fair use factors and judge whether the intended use of reproduced, copyrighted materials is within the spirit of the "fair use" doctrine. Any serious questions concerning whether a particular reproduction constituted "fair use" doctrine should be directed to the college legal counsel.

#### D. Research Uses

At the very least, instructors may make a single copy of any of the following for scholarly research or use in teaching or preparing to teach a class:

1. A chapter from a book.
2. An article from a periodical or newspaper.
3. A short story, short essay or short poem, whether or not from a collective work.
4. A chart, diagram, graph, drawing, cartoon or picture from a book, periodical, or newspaper.

E. Classroom Uses

For certain purposes such as criticism, comment, scholarship, research or teaching, the fair use authorizes the making of multiple copies for classroom use. Copying from textbooks and other materials that were prepared for a specific educational market is less likely to be considered fair use than reproducing materials created for general public distribution. Faculty should be aware of the limitation on making copies where these copies would have a direct adverse effect on the potential market for the work or if decisions to make copies were made with sufficient lead-time to request permission of the copyright owner to reproduce the material. The members of the college community would be in compliance with the law if:

1. The copies themselves or other copies of the same works or portions of works are not used repeatedly, i.e., the faculty member has not used them in preceding classes and does not intend to use them in subsequent classes.
2. No more than one copy is made for each student.
3. A notice of copyright is included on each copy distributed.
4. Students are not charged a fee beyond the actual cost of reproduction.
5. In the case of longer materials, the portion copied is selective and sparing in relation to the whole work.
6. Off-air videotaping by individuals in their homes as determined by the Supreme Court's January 17, 1984 announcement does not violate the "fair use" provision of the law. The ruling upheld, "concluded that noncommercial home use recording of material broadcast over the public airwaves was a fair use of copyrighted works and did not constitute copyright infringement".
7. However, the Copyright Laws (PL 94-553) affecting schools, colleges, libraries and like institutions are bound by situations where the circumstances involve a public performance and require adherence to the guidelines affecting off-air videotaping:
  - a. A broadcast program may be recorded off-air simultaneously with the broadcast transmission (including a simultaneous cable re-transmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast Programs" are television programs transmitted by television stations for reception by the general public without charge.
  - b. Off-air recordings may be made only at the request of, and used by, individual instructors and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same instructor, regardless of the number of times the program may be broadcast.
  - c. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
  - d. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

## F. Computer Programs

Generally, the copyright fair use statute applies to computer programs. The Act allows the purchaser, but not necessarily a person who leases software, certain rights, among which is the right to make an archival or back up copy of the software. A copyright notice on a computer program does not make it illegal for the legitimate owner of that program to copy it for archival purposes. However, when that purchased program is sold, the back-up must be destroyed. Educational use of computer software is governed by the fair use factors. Where the tests of brevity and spontaneity can be met, i.e., segments of the program and only on item retrieved from a data base, copying may take place. Multiple copies of entire computer software programs would adversely affect the potential market and violate the fair use interpretation.

## G. Uses of Photocopied Material which Require Permission

1. Repetitive copying: The classroom or reserve use of photocopied materials in multiple courses or successive years will normally require advance permission from the owner of the copyright.
2. Copying for profit: Faculty shall not charge students more than the actual cost of photocopying the material.
3. Consumable works: The duplication of works that are consumed in the classroom, such as standardized tests, exercises, and workbooks, normally requires permission from the copyright owner.
4. Creation of anthologies as basic text material for a course: Creation of a collective work or anthology by photocopying a number of copyrighted articles and excerpts to be purchased and used together as the basic text for a course will, in most instances, require the permission of the copyright owners. Such photocopying is more likely to be purchased and used together as the basic text for a course will, in most instances, require the permission of the copyright owners. Such photocopying is more likely to be considered as a substitute for purchases of a book and thus less likely to be deemed "fair use".

## 2.9 - EMPLOYEE EXCHANGE POLICY

To support the college's commitment to providing opportunity for professional development and alternative means of revitalization, renewal, and upgrading of faculty, administration and staff, this policy is needed to allow implementation of a professional development program for employee exchanges. The President will be authorized by the Board of Trustees to implement this policy according to the following guidelines.

Eligible participants (faculty, administration, and staff) must be full time, permanent employees (for faculty, term or continuing appointment) who have been employed full time at Niagara County Community College for at least five years prior to the reassignment.

Participants must have the approval of their immediate supervisor (for faculty, Division Chair) and the appropriate Vice President before applying for any exchange.

Incoming participants must meet qualifications established in the position description for the full time job at Niagara County Community College.

Employees who have been on leave of absence will not be eligible for exchange the year following their absence.

All exchanges (participants sent and/or received) must be approved by the President based upon the availability of resources and the effect of the exchange upon teaching and service functions of the college.



Outgoing exchanges are dependent upon equivalent exchanges or reimbursement funds from the receiving institution, unless waived by the President.

The length of any exchange will not exceed one year. Any exception to this policy must be approved by the President.

Niagara County Community College will continue to pay outgoing participants their regular salary, fringe benefits and salary adjustments per contractual agreements in effect during the period of the exchange.

Incoming participants will be paid by their sending institution.

Sick, personal, and vacation days will be earned by Niagara County Community College exchange employees at the normal rate, but should only be taken with approval of the supervisor at the receiving institution.

Transportation to and from the host institution shall normally be the responsibility of the exchange participants. Requests for partial travel support from the college budget may be considered, contingent upon available resources and approval by the appropriate Vice President and the President.

Exchange participants will follow the work schedule in effect at the receiving/host institution.

Participation in an exchange assignment will continue to count towards the employee's years of service for purposes of tenure, seniority, retirement, sabbatical, etc. However, a faculty member or administrator who has been on exchange shall not be eligible for sabbatical leave during the year following the period of exchange.

Outgoing exchange participants must agree and will be obligated to return to Niagara County Community College to work for a minimum of one year following their exchange. Failure to fulfill this obligation will require the individual to reimburse Niagara County Community College for one-half direct salary compensation paid during the period of the exchange.

The host college will be requested to complete a performance evaluation using the same forms, criteria, and procedures and within the same time frame utilized by the home institution.

All employee rights and privileges shall be retained by outgoing exchange participants.

The assignments, obligations, and other understandings for exchange participants during the period of the exchange will be detailed in a Memo of Agreement which must be signed by the appropriate Vice President, the President, and the participant.

Upon return, outgoing participants will be expected to provide a written report and a presentation to appropriate college groups for the purpose of sharing the experience with other Niagara County Community College Personnel.

Niagara County Community College will provide to incoming participants the same access to support services and resources as it does for its own employees, including but not limited to office space, clerical assistance, and professional development support. Any exceptions or prohibitions will be stated in the memo of agreement.

Niagara County Community College cannot provide housing or relocation costs for incoming or outgoing participants, but will provide assistance in making accommodations.

Procedures to implement the Employee Exchange Program will be developed and coordinated through the Faculty Resource Center for Academic Excellence, with review and approval by Cabinet and the President.

Unless there are extremely unusual or extenuating circumstances, Niagara County Community College will honor commitments made in the exchange program for both outgoing and incoming participants.

## 2.10 - EMPLOYEE SEXUAL ASSAULT BILL OF RIGHTS

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

*All employees have the right to:*

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institutional representatives as practical, and not to be required to unnecessarily repeat a description of the incident.
8. Be free from retaliation by the institution, the accused and/or respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution.
9. Access to at least one level of appeal of a determination.
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

*Options in Brief:*

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

Receive resources, such as counseling, medical attention or advocate through the YWCA.

Confidentially or anonymously disclose a crime or violation and find additional information: (<https://www.niagaracc.suny.edu/sexual-assault/>)

Make a report to:

An institution employee with the authority to address complaints, including the Title IX Coordinator, Vice President for Student Services or Director of Human Resources for Diversity & Inclusion.

Public Safety.

Niagara County Sheriff's Department or State Police.

Family Court or Civil Court.

## 2.11 - EMPLOYEE TO VOTE ON ELECTION DAY

Section 3-110 of the Election Law was amended to allow employees, who are registered to vote and who provide at least two working days' advanced notice, up to three hours of leave, without charge to leave accruals, to vote in any election.

The benefit is immediately available and applies to any general election, special election called by the Governor, primary election, or municipal election. There is no cap on the number of elections per year an employee may request Time Off to Vote.

Time off to vote is **not** available for school or library elections. While up to three hours of leave with pay is available for every election, not every employee's situation (i.e., work schedule, distance between the worksite and polling place, etc.) will require a full three hours of Time Off to Vote. However, an employee cannot be denied time off from work simply because an employee might have time before or after their regular work hours. The college can engage employees who request the leave in an effort to refine the amount of time requested and granted in light of college operations. Like other leaves at full pay, leave to vote is considered full pay status for Attendance and Leave purposes (e.g., earning leave accruals, eligibility for sick leave at half-pay, etc.).

- As a registered voter, you may take off up to 3 hours, without loss of pay, to allow you time to vote.
- You may take time off at the beginning or end of your working shift, as your employer may designate, unless otherwise mutually agreed.
- You must notify your employer not less than 2 days before the day of the election that you will take time off to vote.

For more information go to:

<https://www.elections.ny.gov/NYSBOE/elections/AttentionEmployees.pdf>

<https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteFAQ.pdf>

College Approved: 7/2019

BOT Approved: 10/15/2019

## 2.12 - EMPLOYMENT OF FAMILY MEMBERS

Persons related to each other who fall into the category of immediate family\* may be employed at the college. However, no college employees are to initiate or participate in activities that would affect members of their immediate family. Such activities include, but are not limited to, employment or influencing employment, promoting or influencing promotion, supervising or monitoring work activities, evaluating performance, influencing compensation, tenure, leaves of absence, and matters of a disciplinary nature.

In certain circumstances, exceptions to this policy may be granted by the President of the college

based on special needs of the college.

\*The term “immediate family” is defined to mean not only the spouse or partner, offspring, sibling, grandparent, and in-law, but also those of a “step”, “foster”, or “divorced-from” relation to the employee, and to any other person whose legal residence is the household of the employee.

## 2.13 - FMLA (FAMILY MEDICAL LEAVE ACT)

The College provides leave according to the Family and Medical Leave Act of 1993 (FMLA), which provides for unpaid, job-protected leave to covered employees in certain circumstances.

### Eligibility

To qualify for FMLA leave, an employee must: (1) have worked for the College for at least 12 months, though it need not be consecutive; (2) worked at least 1,250 hours in the last 12 months; and (3) be employed at a work site that has 50 or more employees within 75 miles. If the employee has any questions about his/her eligibility for FMLA leave, please contact the Human Resources Department.

### Leave Policy

If eligible, an employee may take up to 12 or 26 weeks of family or medical leave under the FMLA, whichever is applicable (as explained below), within the relevant 12-month period defined below. While the employee is on leave, the College will maintain his/her group health insurance coverage at the same level and under the same circumstances as when the employee was actively working, as explained more fully under the section titled, *Medical and Other Benefits*. Upon returning from approved FMLA leave, the employee has the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law.

### Leave Entitlement

The employee may take **up to 12 weeks** of unpaid FMLA leave in a 12-month period, which is measured forward from the date an employee’s first FMLA leave begins for any of the following reasons:

The birth of a son or daughter and in order to care for such son or daughter (leave to be completed within one year of the child's birth).

The placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement).

To care for a spouse, son, daughter, or parent with a serious health condition.

To care for the employee’s own serious health condition, which renders the employee unable to perform any of the essential functions of his/her position.

A qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

The employee may take **up to 26 weeks** of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).

A qualifying reason as provided for under the FMLA when the employee’s spouse, domestic partner, child or parent is deployed on active military duty or has been notified of an impending

call or order to active military duty.

### Both Spouses Employed by the College

Spouses who are both employed by NCCC and eligible for FMLA leave may be limited to a combined total of 12 weeks of leave during the 12-month period if leave is requested:

for the birth of a son or daughter and in order to care for such son or daughter;  
for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or  
to care for an employee's parent with a serious health condition.

A combined total of 26 weeks in a single 12-month period if the leave is either for:

military caregiver leave; or  
a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

If both spouses request the same period of paid family leave to bond with the same child, NCCC may deny one spouse's request.

### Notice of Leave

If the employee's need for FMLA is foreseeable, he/she must give the College at least 30 days' prior written notice. If this is not possible, the employee must at least give notice as soon as practicable (within one to two business days of learning of the employee's need for leave). Failure to provide such notice may be grounds for delaying FMLA-protected leave, depending on the particular facts and circumstances.

Additionally, if the employee is planning a medical treatment or a series of treatments or the employee is taking military caregiver leave, the employee must consult with the College first regarding the dates of such treatment to work out a schedule that best suits the needs of both the employee and the covered military member, if applicable, and the College.

Where the need for leave is not foreseeable, the employee is expected to notify the College within one to two business days of learning of the employee's need for leave, except in extraordinary circumstances.

### Certification of Need for Leave

If the employee is requesting leave because of his/her own or a covered relation's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. You may request Medical Certification forms from the Human Resources Department. When you request leave, the College will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

The College, at its expense, may require an examination by a second health care provider designated by the College. If the second health care provider's opinion conflicts with the original medical certification, the College, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The College may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such as practicable, may result in delay of further leave until it is provided.

The College also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

#### Reporting While on Leave

If the employee takes leave because of his/her own serious health condition or to care for a covered relation, he/she must contact the College on a monthly basis or as otherwise determined by Human Resources regarding the status of the condition and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown.

#### FMLA Leave Is Unpaid

FMLA leave is unpaid. The employee will be required to substitute any accrued and unused paid time off/sick days for unpaid FMLA leave as determined by the College.

The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in the employee's receipt of more than 100% of his/her salary. The employee's FMLA leave runs concurrently with other types of leave, for example, accrued paid time off that is substituted for unpaid FMLA leave, to the extent allowed by state law.

#### Medical and Other Benefits

During approved FMLA or paid family leave, the College will maintain the employee's health benefits as if he/she continued to be actively employed. If paid leave is substituted for unpaid FMLA leave, the College will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, he/she must pay his/her portion of the premium by the 15<sup>th</sup> of each month. The employee's health care coverage will cease if his/her premium payment is more than 30 days late. If the employee's payment is more than 15 days late, the College will send a letter to this effect. If the College does not receive the premium payment within 15 days after the date of this letter, coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, he/she will be required to reimburse the College for the cost of the health benefit premiums paid by the College for maintaining coverage during the employee's unpaid leave, unless he/she cannot return to work because of a serious health condition or other circumstances beyond his/her control.

#### Exemption for Key Employees

Key employees, defined as salaried and FMLA-eligible employees who are among the highest paid 10% of all employees at a worksite or within 75 miles of that worksite, may not be returned to their former or an equivalent position following FMLA leave if restoration of employment will cause substantial and serious economic injury to the operations of the College. This fact-specific determination will be made by the College on a case-by-case basis. The College will notify the employee if he/she qualifies as a key employee, if the College intends to deny reinstatement and of the employee's rights in such instances.

#### Intermittent and Reduced Schedule Leave

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours the employee works per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying

exigency relating to covered military service.

If leave is unpaid, the College will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced schedule leave, the College may temporarily transfer the employee to an available alternative position that better accommodates his/her leave schedule and has equivalent pay and benefits.

### Returning From Leave

If the employee takes leave because of his/her own serious health condition (except if he/she is taking intermittent leave), the employee is required, as are all employees returning from other types of medical leave, to provide medical certification that he/she is fit to resume work. Otherwise, the employee will not be permitted to resume work until it is provided.

## 2.14 - FREEDOM OF INFORMATION

Niagara County Community College will comply fully with the provisions of the New York State Freedom of Information Law of 1974 and will seek, in every way consonant with the public interest, to protect and promote the public's right of access to governmental records.

The College considers itself within the definition of "agency" provided in the Freedom of Information Law and hence obligated to comply with the requirements relating thereto.

1. As an agency under the Law, the college will make available for public inspection and copying the following information:
  - a. Formal statements of policy and interpretations officially made by the President or spokesman thereof, together with any neutral statistical or factual data which led to the formulation thereof.
  - b. Minutes of meetings of the Board of Trustees.
  - c. Internal or external audits and statistical or factual tabulations made by or for the college.
  - d. Officially adopted or promulgated administrative staff manuals and instructions to staff that affect members of the public.
  - e. An itemized record setting forth the name, business address, title and salary of every College officer and employee.
  - f. Final determinations and any dissenting opinions of the members of the Board of Trustees.
  - g. Any other files, records, papers or documents required by any other provision of law to be made available for public inspection and copying.
  
2. The following information shall not be made available for public inspection in order to prevent an unwarranted invasion of personal privacy:
  - a. Personal matters which are reported in confidence to College officers or employees and which are not relevant or essential to the ordinary work of the college.
  - b. Employment, medical, or credit histories or personal references of applicants for employment or current or former employees, except when the subject party has provided written consent to disclosure.
  - c. Names and addresses if such would be used for private, commercial or fund-raising purposes.
  - d. Any items of a personal nature that would result in economic or personal hardship to the subject party and which are not relevant or essential to the ordinary work of the college.

- e. In addition the college reserves the right, in cases involving records qualified for public inspection, to delete identifying details in consideration of personal privacy interests arising in contexts other than those specified above.
3. An itemized record setting forth the name, business address, title, and salary of every College officer and employee shall be available to the public during business hours through the office of the Director of Human Resources.
4. The Assistant to the President serves as Records Access Officer for the college, with responsibility for receiving and deciding upon public requests for access to records. The Records Access Officer shall assist a requester, if necessary, in identifying desired records.
  - a. During regular business hours, any member of the public may complete an Access to Records Request available at the President's Office A-272, or send a written or email request. The Records Access Officer shall have not more than five working days thereafter to respond to the request in writing.
  - b. The Records Access Officer's response may take any of the following forms:
    1. Making the desired record(s) available for inspection by the requester, with opportunity for photocopying at a rate of \$.25 per sheet.
    2. Denial of access to the records in whole or in part with a written explanation of reasons therefore.
    3. Certification to the requester that the college is not the legal custodian for the requested records or, if the college is the legal custodian, that the records cannot be found.
  - c. If the determination is to make the requested record(s) available to the requester, the record(s) shall be made available for inspection and copying in the President's Office, in the presence of the Records Access Officer.
  - d. Any person denied access to a record may within thirty days appeal in writing to: Assistant to the President, NCCC, 3111 Saunders Settlement Road, Sanborn, NY 14132.

A copy of the Freedom of Information Law and additional copies of these Rules and Regulations are available at the President's Office, A-272.

## 2.15 - GUIDELINES FOR "EXTRA SERVICE" COMPENSATION FOR EMPLOYEES

### General

Occasionally, a critical position needs to be filled immediately on a temporary basis. In such situations, an employee:

- May be temporarily assigned to a vacant position (interim).
- Will be assigned some of the responsibilities of another position for an extended period of time which creates significant additional work.

Employees assigned to acting or interim positions in addition to the responsibilities of their existing position or who will assume significant responsibilities of an additional position for an extended period of time, may be considered for temporary "extra service" compensation. Recommendations for extra service compensation amounts:



Acting or Interim positions: An employee may be appointed to a position in an acting or interim capacity, while continuing to fulfill the responsibilities of their existing position. Depending on the level of additional responsibilities, the Extra Service Compensation is typically between 10% and 20% of the incumbent's salary.

Additional duties for a fixed period of time: Occasionally an employee is assigned additional duties associated with a position other than the one they are currently hold for a fixed period of time. A stipend may be appropriate in this situation depending on the level of responsibilities. The amount of the Extra Service stipend is typically between 5% and 10% of the salary of the incumbent's salary.

Extra service compensation represents an amount in addition to the employee's base salary, and does not become a part of the employee's base salary. Extra Service compensation is pro-rated for the length of time an employee is assigned these duties and is paid pro-rata on a regular payroll schedule. When the temporary assignment ends, the Extra Service compensation is discontinued.

### Eligibility

Assuming additional responsibilities or assuming an interim/acting position, does not automatically constitute the basis for extra service compensation. The following factors will be considered when determining if extra service compensation is appropriate:

- Extra Service compensation applies to both Administrators and members of the Faculty Association.
- Managerial responsibilities: managers should not ordinarily be given extra compensation for circumstances that involve coverage for anyone within their scope of responsibility.
- Length of assignment: the duration of the assignment of additional responsibilities should be at least thirty (30) days.
- Additional duties are not back-up in nature (i.e. already expected of an employee to provide coverage within the same department) A nonexempt staff employee who conducts work related to the business of the College, outside of his/her regularly work schedule is compensated for hours worked and therefore is not normally paid an extra service stipend. Extra service compensation is not to be used in lieu of overtime for a professional employee deemed eligible under the Fair Labor Standards Act.

### Procedure

It must be clearly demonstrated that the significant additional duties exceed those that are normally performed under the regular obligation. The approval of extra service must include consideration of the employee's current workload and job performance. All extra service compensation requests must be approved in advance by the College President.

A written justification from the employee's supervisor or designee is reviewed by the appropriate Vice President and forwarded to the President for approval. The justification will outline:

- The additional responsibilities and clearly defined expectations of the individual taking on these responsibilities.
- The business necessity of performing the work.
- The timeframe for the extra service and associated stipend (should not exceed nine months).
- Resources and support needed to ensure the employee's success.
- The ability of the employee to take on these additional responsibilities.
- What is being done to ensure no conflict of interest is present.

If approved by the President, an agreement will be written and provided to the employee, union

representative (if applicable) and the President for signature. If the College finds that a stipend and/or additional compensation is exceeding twelve months, the situation should be reviewed to determine whether it is appropriate or whether an adjustment to the base salary should be considered.

## 2.16 - HATE CRIMES/BIAS-RELATED INCIDENTS

It is the policy of Niagara County Community College to establish an environment in which dignity and worth of all members of the college community are respected. In keeping with this principle, bias-related or hate crimes against students, employees or a third party (defined as prospective and/or former students as well as other visitors to the campus, including: parents, vendors, contractors etc.) is considered a criminal act under the hate crime law and will not be tolerated. Bias-related or hate crimes subverts the mission of the college and undermines the educational process. In relationships between members of the college community, it creates an atmosphere that is not conducive to learning and teaching.

Niagara County Community College is committed to all provisions of and compliance with Hate Crimes Act of 2000, Legislation Ch. 590 L. 2003, and Penal Law Article 485.

### Definitions

Based on federal and state reporting requirements there are varying definitions on hate crimes. The definition most widely used by law enforcement agencies is from the U. S. Department of Justice publication Hate Crimes Data Collection Guidelines. These guidelines define a hate/bias crime as: "Any criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against race, religion, disability, ethnic/national origin or sexual orientation group."

The difference between a "hate crime" versus a "bias related incident" is the following:

### Hate Crimes

Hate crimes are intended to hurt and intimidate individuals because they are perceived to be different based on a person's race, color, national origin, ancestry, gender, religion, religious practice, age (sixty or older), disability or sexual orientation. Specific crimes identifiable by the FBI Uniform Crime Reporting (28 USC 534) including murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, forcible or non-forcible sex offenses, intimidation, destruction, damage or vandalism of property and other crimes involving injury to any person or property in which the victim is intentionally selected because of a person's differences are considered a hate crime. When acts do not fall into one of the listed criminal categories, hate offenses are referred to as bias-motivated incidents.

Further, the perpetrator(s) of hate crimes use physical violence, verbal threats of violence, vandalism, and some instances (cases) weapons, explosives, and arson to evoke (instill) fear in their victims, leaving them vulnerable to subsequent attacks and feeling alienated (isolated), helpless, suspicious and fearful. These acts of hatred can leave long lasting emotional impressions upon their victims as well as the entire college campus and surrounding communities.

### Bias-related Incidents

Bias-related incidents can be generally defined as a crime which in whole or part is motivated by the offender's prejudice toward the victim's status. One who commits a bias-related crime if motivated by selection of the victim or commission of an offense by a perception concerning a person's race, color, national origin, ancestry, gender, religion, religious practice, age (sixty or older), disability or sexual orientation. In addition, a bias-related incident is an action in which a

person is made aware that his/her status is offensive to another, but does not rise (may not) rise to a level of a crime. These incidents may include case of minor harassment, verbal slurs etc. and may be precursors to more serious hate motivated violence.

### Characteristics of Hate Crimes and/or Bias-related Incidents on College Campuses

Hate crime incidents, including those reaching criminal behavior or bias-related crimes can be classified in terms of offender motivations into three distinct types as: reactive, impulsive and premeditated.

#### Reactive Hate and/or Bias-related Incidents

In a reactive incident, the perpetrator(s) rationalizes that by attacking someone they regard as an outsider they are in fact helping their college or group of friends. These individuals often see their victims in the role of those actively threatening them, while they regard themselves as pillars of virtue on their campus.

#### Impulsive Hate Crimes and/or Bias-related Incidents

When Hate Crimes or Bias-related incidents are committed by perpetrators who are thrill seeking and looking for excitement, there need not be a precipitating incident. The assailant or groups of assailants are looking to harass those who are different and search out locations where the members of a particular group regularly congregate.

#### Premeditated Hate Crime and/or Bias-related Incidents

In a premeditated incident, the perpetrator(s) are convinced that all out-of-group members are sub-humans who are bent on destroying our culture, our economy or the purity of our racial heritage. He or She often believes that they have a higher-order purpose or moral mission in carrying out the crime.

#### Reporting Requirements

Reporting requirements will be in accordance with federal and state laws. Legislation, Ch. 590 L. 2003 requires that each campus report incidents of bias-related crime to the State Education Department on an annual basis.

#### Reporting, Response and Security Procedures

The College encourages the reporting of all such situations to Public Safety and/or someone who can help find the available College resources. Upon receipt of a reported Hate Crime or Bias-related Incident, Public Safety will:

1. Notify law enforcement as soon as reasonably possible, based on the nature of the incident and confirm whether or not a Hate Crime or Bias-related Incident has occurred.
2. Notify appropriate medical services to assess physical and emotional well-being, if necessary.
3. Notify the supervisor of the reported incident. Upon being notified, the supervisor may supervise the preliminary investigation.
4. Preserve any evidence (graffiti, phone call recording, e-mail message, letter etc.).
5. Render assistance and comfort to the victim.

6. Provide relevant forms to the victim, i.e. College Incident Report, police report or both.
7. Provide assistance to the victim and/or referral to the appropriate legal, law enforcement and/or service agency.
8. Take whatever steps are necessary to ensure that the situation does not escalate.

Available Options and Supportive Services to Address Hate Crimes/Bias-related Incidents:

- Director of Human Resources, Equity & Inclusion, Title IX Officer

Bias-related Incidents that do not violate criminal law may violate NCCC's policy prohibiting harassment and discrimination, NCCC's code of conduct for students, or federal or state civil law. Any student, faculty, administrator, staff member or third party who believes he or she is the victim of or observes harassment and discrimination based on race, religion, gender, sexual orientation, age, disability or ethnicity may report behavior directly to the Director of Human Resources, Equity & Inclusion, Title IX Officer.

- Wellness Center

Victims of a Hate Crime and/or Bias-related Incident may seek assistance to work through the complex emotional and psychological consequences. Victims of such acts are encouraged to contact the Wellness Center for assistance. The Wellness Center will offer support; help in working through difficult issues and will make referrals as needed.

Prevention Practices

The College's prevention practices involve communication to the broadest possible audience in a timely manner. Prevention practices are an integrated approach that begins when a student arrives on campus and extends to include all members of the campus community; faculty, staff, Public Safety and the administration.

The College will provide an orientation program that specifically deals with the diversity of new students encountered on the campus as well as facilitated discussions dealing with the prevention of racial and cultural conflicts. Follow-up programs during the school year will be conducted to assist in reinforcing the College's policy and position against hate crimes and bias-related incidents.

The College may involve work with the community, as appropriate, in an effort to reduce fears that may stem from possible retaliation, help prevent additional incidents and encourage any other previous victimized individuals to step forward to report crimes. The public relations department or designee so assigned shall:

- a. Meet with community groups and other identified groups to allay fears, relay the college's concern over and response to this and related incidents reduce the potential for counter-violence and provide safety, security and crime prevention information.
- b. Provide direct or referral assistance to the victim and family.

- c. Conduct public meetings on hate threats and violence in general and as it relates to specific incidents.
- d. Establish a liaison with formal organizations and leaders.
- e. Expand, where appropriate, educational prevention programs such as anti-hate crime workshops for high school students.

### Critical Incident Response Team

In the event of a Hate Crime or Bias-related Incident, the members of the Critical Incident Response Team (CIRT) who are appointed by the President will deal with the integral and distinct aspects of the situation. The President will appoint members from the following areas of the college community: Faculty, Counseling, Security, Public Relations, Multicultural Services, Child Care, Human Resources, Health Clinic, Corporate Training Operations and Criminal Justice.

### Procedures

After the initial reporting takes place, the Critical Incident Response Team will ensure the accurate and rapid collection of data and evidence for the investigation. By taking immediate action on hate occurrences, the entire campus becomes aware of the severity of such behaviors and the college's tolerance for them.

Public Safety and the CIRT will be adequately trained in the area of Hate Crimes and Bias-Related Incidents and understands the importance of confidentiality, sensitivity, and victim assistance. One member of the team will be responsible to identify hate crime activity as a way to reduce the likelihood that incidents will be ignored or that the response will fall short of the campus response policy.

### Case Wrap-up will include:

One Member of Administration or designee will be assigned to serve as a liaison between the college and community, religious and civic leaders, as appropriate.

The member of Administration will ensure that all necessary follow-up investigations are completed and that all hate motivated crime or incident statistics are reported in accordance with state and federal laws and SUNY guidelines.

### Victims Assistance Resources (Aftermath)

Victims assistance is one the most important aspects of any Hate Crime and Bias-Related Incident. The procedures are the following:

Support will be made available through the Wellness Center to all victims of an incident whether they were directly or indirectly involved.

Provide support to the victim's family and the surrounding community as needed as part of the healing process.

Provide information for other helpful outside organizations which may include local law enforcement, human rights organizations, religious groups and institutions/churches, domestic violence shelters, state and county bar associations, the U.S. Department of Justice (specifically the Community Relation Service (CRS)), U.S. Attorney's Hate Crime division, and civic groups such as the Anti-Defamation League or the NAACP.

Seek external assistance with organizations such as CRS which have experience dealing with these kinds of cases as needed.

### Interpretation and Revision

Any question about or interpretation of this policy shall be referred to the Director of Human Resources, Equity and Inclusion, Title IX Officer for final determination. The Hate Crimes/Bias-Related Incident Policy shall be reviewed annually by the Director of Equity and Diversity.

## 2.17 - INDIVIDUALS WITH DISABILITIES

Section 503 and 504 of the Rehabilitation Act of 1973 provide(s) that no otherwise qualified handicapped individual, as defined in Section 7(6) of that Act, shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. In addition, the Americans with Disabilities Act of 1990, which became effective on July 26, 1992 protects qualified individuals with disabilities from discrimination in employment on the basis of their disability. It provides that services, programs, activities, employers, benefit providers, and other public opportunity providers may not discriminate against otherwise qualified individuals with disabilities.

### Definition of Individuals with Disabilities

According to the Americans with Disabilities Act of 1990, a person with a disability is “one who has a physical or mental impairment that substantially limits one or more of an individual’s major life activities; has a history of such an impairment; or is regarded as having such an impairment.” Under the ADA as it applies to employment, “a qualified individual with a disability is one who with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires.”

The definition of a “qualified student with a disability” is one “who meets the academic and technical standards requisite to admission or participation in the educational program or activity.”

### Policy

Niagara County Community College (NCCC) will not discriminate against any qualified employee, applicant for employment or student with a disability. This commitment is applicable in all employment practices including but not limited to employment reclassification, promotion, demotion or transfer, recruitment, layoff, return from layoff or termination, compensation administration, position descriptions, advertising, job assignments, job classifications, leaves of absence, fringe benefits and selection for training. The commitment is also applicable to all academic practices including but not limited to admission, access to programs, grading, and graduation of students. All employees and students, who believe themselves to be covered by this policy and Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and/or the Americans with Disabilities Act of 1990 and who wish to benefit under our affirmative action and non-discriminating policies are invited to self-identify as an individual with a disability in the health history employee’s data form and/or as a student with a disability to the Office of Accessibility Services.

As a part of the State University of New York (SUNY) system, we are required to make reasonable accommodations for qualified individuals with disabilities unless the institution can demonstrate that it would impose an undue hardship to do so.

## NCCC's Rights and Responsibilities

1. NCCC has the right to:
  - Maintain academic, admissions and graduation standards.
  - Request that a student with a disability provide current documentation completed by a qualified professional source to verify the need for reasonable accommodations, academic adjustments, and/or auxiliary aids.
  - Discuss a student's need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional sources of his or her documentation with the student's signed consent authorizing discussion.
  - Select among equally effective and appropriate accommodations, adjustments, and/or auxiliary aids for each student on a course-by-course and/or case-by-case basis.
  - Deny a request for accommodations, adjustments, and/or auxiliary aids if:
    - The documentation does not identify a specific disability.
    - The documentation fails to verify the need for the requested services.
    - Documentation is not provided in a timely manner.
    - Refuse to provide an accommodation, adjustment, and/or auxiliary aid that are inappropriate or unreasonable. Including any that:
      - Pose a direct threat to the health and safety of others.
      - Constitute a substantial change or alteration to an essential element of a course or program.
2. NCCC has the responsibility to:
  - a. Review its personnel practices and procedures to assure that they will result in careful, thorough and systematic consideration of the job qualifications such that will not exclude or otherwise limit employment opportunities of qualified individuals with disabilities.
  - b. Review and revise institutional, programmatic, services, jobs, activities and facilities when viewed in their entirety, are offered in the most integrated and appropriate settings based on a review of what the law requires.
  - c. Review its personnel practices and procedures to assure that they will result in careful, thorough and systematic consideration of the job qualifications such that will not exclude or otherwise limit employment opportunities of qualified individuals with a disability.
  - d. Review and revise institutional, programmatic, and other policies to assure that they do not discriminate against qualified individuals with disabilities.
  - e. Ensure that the institution's courses, programs, services, jobs, activities, and facilities, when viewed in their entirety, are offered in the most integrated and appropriate settings based on a review of what the law requires.
  - f. Provide information regarding policies and procedures to students and employees with disabilities in a timely manner and assure its availability in accessible formats upon request.
  - g. Evaluate students and/or employees on their abilities, not their disabilities.
  - h. Provide reasonable and appropriate accommodations, academic adjustments,

auxiliary aids, and/or modifications for students with disabilities in a timely manner in response to student requests.

- i. Maintain appropriate confidentiality of records and communication concerning students and employees with disabilities except where disclosure is required by law or authorized by the student and or employee.
- j. Inform students and employees with disabilities of college policies and procedures for filing a formal grievance both internally and/or through external agencies (e.g., US Department of Education Office of Civil Rights).

3. NCCC may not:

- Limit the number of students or employees with disabilities who are admitted and/or employed.
- Make pre-admission inquiries as to whether or not an applicant has a disability.
- Make pre-employment inquiries as to whether or not an applicant has a disability unless it directly impacts a specific job duty.
- Use admissions tests or criteria that inadequately measure the academic qualifications of students with disabilities because special provisions were not made.
- Exclude qualified students with disabilities from any course of study, program, activity, and/or facility.
- Establish rules or policies that might adversely affect students and/or employees with disabilities.

Facilities – New Construction

Alterations to existing facilities and new construction are done in accordance with barrier free guidelines. When necessary to assure to programs and employment, alternate arrangements are made for accessibility.

2.18 - LACTATION BREAK POLICY

Eligible Employees

All employees who are nursing mothers are eligible to take reasonable breaks under this policy to express breast milk for up to three years after the birth of the employee's child. The College requires all eligible employees who intend to take breaks under this policy to notify the Human Resources Department of their intent prior to taking leave, for example when they are discussing their return to work following leave relating to childbirth.

Lactation Breaks

Please contact the Human Resources Department for information about the designated location for lactation breaks in closest proximity to the employee's work area.

Compensation During Breaks

Lactation breaks under this policy are unpaid. However, employees who use meal, lunch, rest, or other break time to express breast milk should let the Human Resources Department know and will be compensated in accordance with the College's policy on such breaks.

Employees who are required to record time under the College's timekeeping policy must accurately record the start and end of lactation breaks on their time sheets/clock in and out for



their lactation breaks in accordance with the College's timekeeping policy. Uninterrupted lactation breaks do not count as hours worked.

Employees may begin work before the regularly scheduled start of their shift or continue working past the regularly scheduled end of their shift to make up any time used for lactation breaks. Employees who choose to do this should speak with their direct supervisor in advance to make appropriate arrangements.

Exempt employees may be provided break time with pay when necessary to comply with state and federal wage and hour laws.

#### Administration of this Policy

The Human Resources Department is responsible for the administration of this policy. If the employee has any questions regarding this policy or if the employee has questions about lactation breaks that are not addressed in this policy, please contact the Human Resources Department.

#### Complaint Procedure

If you are subjected to any conduct that you believe violates this policy, you should promptly speak to, write or otherwise contact the Human Resources Department, who will ensure that a prompt investigation is conducted and take prompt corrective action, if appropriate.

#### No Retaliation

The College expressly prohibits any form of discipline, reprisal, intimidation, retaliation or discrimination against any individual for requesting or taking lactation breaks, or filing a complaint for violations of this policy, the Fair Labor Standards Act, or applicable New York or local law.

The College is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Human Resources Department. If employees do not report retaliatory conduct, the College may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

## 2.19 - MILITARY SERVICE LEAVE

The College recognizes that employees may need to be absent from work to serve in the US or state military. The College provides military service leave of absence to all employees in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable New York laws.

#### Administration of this Policy

The Human Resources Department is responsible for the administration of this policy. If the employee has any questions regarding this policy or if the employee has questions about military service leave that are not addressed in this policy, please contact the Human Resources Department.

#### Procedures

If an employee needs to take military service leave, the employee or an authorized military

service officer should provide advance notice to the employee's supervisor or the Human Resources Department. When possible, the employee should give at least 30 days' notice of the employee's request for leave. If 30 days' notice is not possible because of military necessity or for other reasons, the employee should give as much advance notice to the College as possible.

Written notice is preferred, but not required. Where possible, the employee must submit a copy of military orders, training notice, or order to active duty, along with a Request for Leave of Absence Form, to the employee's supervisor or the Human Resources Department.

### Eligibility Requirements

**Eligible Employees.** All regular full-time and part-time employees are eligible for military service leave if they are absent from work because of eligible military service.

**Eligible Military Service.** For purposes of this policy, eligible military service means certain types of service (listed below) in the following branches of the US military:

Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard), including the Reserves.

National Guard, including the Army National Guard and Air National Guard, when the employee is engaged under federal authority in active duty for training, inactive duty training, or full-time National Guard duty.

Commissioned corps of the Public Health Service.

Any other category of persons designated by the President in time of war or national emergency.

Eligible employees may take leave under this policy for the following types of military service:

Active duty.

Active duty for training.

Initial active duty for training.

Inactive duty training.

Full-time National Guard duty.

Submitting to an examination to determine fitness for any of these services.

Funeral honors duty performed by National Guard or Reserve members.

Service as an intermittent disaster response appointee of the National Disaster Medical System when employees are:

- activated under federal authority; or
- attending authorized training in support of a federal mission.

### Compensation During Leave

The College shall pay employees their regular salary for the first twenty-two (22) working days of the leave. Thereafter, military service leave is unpaid. However, employees may use any or all of their accrued but unused PTO during their military service leave. After exhausting PTO, they will be on an unpaid leave of absence.

### Benefits During Leave

During military service leave, all medical benefits provided under an employee medical benefit plan are governed by the terms and conditions of the applicable employee medical benefit plan documents in accordance with applicable law. For all other non-seniority benefits, an employee on military service leave will receive the same rights and medical benefits as employees on an unpaid leave of absence.

## Reemployment

Employees may be eligible for reemployment after their military service leave. Any employees who would like to return to work must report to work or submit an application for reemployment to the Human Resources Department, including their military discharge documentation, if available, as follows:

If their military service was for less than 31 days, they must report to work on the first regularly scheduled workday that is at least eight hours after they return home from military service.

If their military service was for 31 to 180 days, they must apply for reemployment within 14 days following completion of military service.

If their military service was for more than 180 days, they must apply for reemployment within 90 days following completion of military service.

If they suffered a service-connected injury or illness and they are hospitalized or convalescing, they have up to two years following completion of military service to return to their jobs or apply for reemployment, depending on the length of recovery time required.

If any employees are unable to comply with this reporting through no fault of their own or if they are injured or recovering from an injury and need an accommodation for specific circumstances beyond their control, they should speak with the Human Resources Department as soon as possible to determine if they are eligible for a reasonable accommodation or additional time to apply for reemployment. Employees who do not report to work or apply for reemployment within the applicable timeframe will be subject to the College's rules about unexcused absences.

Nothing in this policy requires the College to reemploy individuals who are not eligible for reemployment rights under applicable law.

## Rights after Reemployment

Employees who are eligible for reemployment will be reemployed with the same seniority, and all rights and benefits based on that seniority, that they would have attained if they had not taken military leave. Seniority rights include pay and benefits that accrue or are determined based on an employee's length of service.

## Discrimination and Retaliation Prohibited

The College prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's membership in or obligation to perform service for any branch of the US military or state organized militia. Specifically, no one will be denied employment, reemployment, promotion, or any other benefit of employment, or be subjected to any adverse employment action based on that person's membership in or service for any branch of the US military or state organized militia. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.

The College is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of the College's efforts depends largely on employees telling the College about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report such conduct, the College may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

## New York Military Service Leave

Employees engaged in military service duty for any branch of the Armed Forces or any state organized militia, including participating in drill or other equivalent training, reserve training,

instruction or duties, or annual full-time training duty, active duty for training, or other annual training, may be eligible for reemployment following the period of service under the NYMSLL. To be eligible an employee must:

Receive a certificate of completion of military service duty executed by an officer of the applicable branch of the Armed Forces or organized militia.

Be qualified to perform the duties of the position.

An employee must also apply for reemployment:

- Within ten days following participation in drill assemblies, training other than initial training, or to attend Armed Forces service schools.
- Within 60 days following completion of initial full-time training duty or initial active duty for training with the United States Armed Forces.
- Within 90 days of being relieved from service in all other cases.

If an employee meets these eligibility requirements, the employee will be restored to his/her position without loss of seniority or a position of equivalent seniority, status, and pay unless the College's circumstances have so changed that reinstatement is impossible or unreasonable. An employee's period of absence will be designated a furlough or leave of absence and the employee will be entitled to participate in insurance and all other benefits according to the laws and policies applicable to any employee on furlough or leave of absence.

Where New York state or local military service leave laws offer more protections or benefits to employees, the protections or benefits that are most favorable to the employee, as provided by such laws, will apply.

### Military Spouse Leave

The College provides up to ten days of unpaid leave to employees whose spouse is a member of the US Armed Forces, National Guard or Reserves and who has been deployed to a combat theater or combat zone operations during a period of military conflict. Employees are only eligible to take military spouse leave when their spouse is on leave from military service.

For purposes of this policy, a period of military conflict means a period of war declared by the US Congress, or President of the United States, or a period during which a member of the Reserves is ordered to active duty under federal authority.

To be eligible for military spouse leave, an employee must work an average of 20 hours or more per week.

Notice of leave must be provided to Director of Human Resources as far in advance as possible.

## 2.20 - NOTICE OF NON-DISCRIMINATION

Pursuant to Niagara County Community College (NCCC) policy the College is fully committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants and other members of the College community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law, treated adversely, or retaliated against based upon a protected characteristic.

NCCC's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. NCCC does not discriminate on the basis of race, color, national origin, disability, political beliefs, age, religion or sex in acceptance for or provision of services, employment or treatment, in its educational and other programs and activities. These laws include Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence. Under other provisions of applicable law, NCCC does not discriminate on the basis of sexual orientation.

#### Americans with Disabilities Act (ADA)

*"It is the purpose of The ADA . . . to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities [and] to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities . . ."* 42 U.S.C. § 12101(b).

The Americans with Disabilities Act prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. To be protected by the ADA, one must have a disability or have a relationship with an individual with a disability. An individual with a disability is defined by the ADA as someone who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA prohibits retaliation for raising a complaint under these acts or for advocating for a right this act protects.

#### Section 504 of the Rehabilitation Act

*"No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . ."* 29 U.S.C. § 794(a).

Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in programs receiving federal financial assistance and in the employment practices of federal contractors. Each federal agency has its own set of § 504 regulations but all include reasonable accommodation for employees with disabilities, program accessibility, effective communication for individuals who have hearing or vision disabilities, and accessible new construction. Section 504 prohibits retaliation for raising a complaint under these acts or for advocating for a right this act protects.

Complaints that a program, service, or activity of NCCC is not accessible to persons with disabilities, or complaints regarding discrimination, should be directed to the ADA/Section 504 Coordinator. Employees and students can obtain information about the College's internal complaint procedure from the ADA/Section 504 Coordinator. Students can also obtain the College's internal complaint procedure for students from Accessibility Services by visiting room A168 or by calling (716) 614-4118.

NCCC's ADA & Section 504 Coordinator is: Catherine Brown  
Director of Human Resources, Equity and Inclusion  
Title IX Officer  
Room A264, (716) 614-5951  
[cbrown@niagaracc.suny.edu](mailto:cbrown@niagaracc.suny.edu)

The U.S. Department of Education's Office of Civil Rights is the entity that is charged with enforcing ADA and §504 compliance. Inquiries about these issues may also be referred to: U. S. Department of Education, Office for Civil Rights (OCR) *New York Office*, 32 Old Slip, 26th Floor, New York, NY 10005-2500  
Telephone: (646) 428-3800  
Facsimile: (646) 428-3843  
Email: OCR.NewYork@ed.gov  
Visit <http://www2.ed.gov/about/offices/list/ocr/index.html>.

This nondiscrimination notice appears on the College's various web sites, in college publications, and employment materials.

## 2.21 - POLICY AGAINST DISCRIMINATION AND HARASSMENT

Niagara County Community College (NCCC) is committed to a working and learning environment in which all individuals are treated with respect and dignity. Every member of our campus community is entitled to work and learn in an environment free from the damaging effects of illegal discrimination, in accordance with this policy and federal and state laws. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

Therefore, NCCC expects that all decisions and relationships among employees will be free of unlawful bias, prejudice and harassment. Illegal discrimination includes any type of action or behavior based on a person's sex, sexual orientation, predisposing genetic characteristics, race, color, national origin, age, religion, creed, marital status, military status, or disability, including pregnancy, or is otherwise a violation of any provisions of the Civil Rights Act of 1964, including Title VII and Title IX of the Educational Amendments of 1972; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; and the New York State Division of Human Rights Laws.

To ensure compliance with Title IX and other federal and state civil rights laws, NCCC has developed the following internal policies that prohibit discrimination on the basis of sex such as sexual misconduct and sexual violence.

### Policy

Sexual misconduct, including sexual harassment and sexual assault, has been recognized as a form of discrimination in violation of Title IX. For emphasis, sexual misconduct may be referred to specifically herein, and in addition to "discrimination" which refers generically and inclusively to all forms of discrimination on the basis of sex.

It is the policy of Niagara Community College to establish an environment in which the dignity and worth of all members of the College Community are respected. The following procedures have been adopted by the College to receive, investigate, and resolve complaints of discrimination on the basis of sex. These procedures are designed to provide a supportive process for individuals who report discrimination and to ensure a fair process for individuals who are accused of discriminatory conduct. Internal investigation of allegations of institutional discriminatory treatment or systemic discriminatory practices is intended to ensure that Niagara County Community College meets its commitment to an open and inclusive educational and employment environment. These procedures also describe the College's efforts to conduct timely, thorough, and fair investigation as required by law.

The College will actively work to prevent and eliminate discrimination and harassment on campus and will respond promptly, positively, and aggressively to deal with any incidents. This response may include, but is not limited to: training, referral to counseling and/or disciplinary action in accordance with NCCC's Discrimination Complaint Procedure and the provisions of the appropriate bargaining unit agreements. Law enforcement agencies will be notified when necessary.

### Applicability:

This policy applies to all members of the campus community, individuals doing business with the campus, and any person utilizing campus facilities. This will include Niagara County Community College's campus, any off-site facilities, and work-related travel.

### Responsibility

The designated Title IX Coordinator and Deputy Coordinator, have the primary responsibility for coordinating efforts for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of sex. Administrators, department chairs, and supervisors have a duty to identify and report discriminatory behaviors. Employees and persons with responsibility for supervising or ensuring safety of others (including student employees in the course of their employment duties) have a duty to report discriminatory behaviors observed or reported to them. Administrators, chairs and supervisors should be directly involved in resolving allegations of discrimination or sexual misconduct. The Title IX Coordinator will investigate allegations of discrimination in consultation with the respondent's supervisor, provided the supervisor is not an alleged perpetrator. Administrators, department chairs and other supervisors have a duty to monitor the respondent's behavior and to take appropriate disciplinary action if he or she continues to violate college policy or procedure including further acts of discrimination and/or acts of retaliation.

The Title IX Coordinators at Niagara County Community College are:

#### **Title IX Coordinator for Employees:**

Catherine Brown  
Director of Human Resources, Equity & Inclusion  
Room A264  
(716) 614-5951

#### **Title IX Coordinator for Students & Athletics:**

Julia Pitman  
Vice President for Student Services  
Deputy Title IX Coordinator for Students & Athletics  
Room A161  
(716) 614-6241  
jpitman@niagaracc.suny.edu

Students are free to report allegations of inappropriate conduct to any Coordinator or staff member they feel comfortable approaching. However, most reports by students will be referred to the Vice President of Student Services. The Title IX Coordinator will collaborate in the investigation and on the response to the complaint.

### Investigation of Reports of Title IX Discrimination; Oversight by Title IX Coordinator

Niagara County Community College's Title IX Coordinator has the authority to:

- Keep accurate records and a log of all complaints and referrals for the required time period according to the College's record retention policy.
- Provide all complainants with information about available on and off campus remedies (how to file a complaint, informal resolutions, how to file a police report, etc.).
- Provide all complainants with information about on and off campus resources (health services, counseling, academic support, crisis

- centers, etc.).
- Conduct investigations to the level required under DOE regulations; Make findings of fact.
- Identify specific corrective measures to stop, remediate, and prevent sex discrimination including sexual harassment and other sexual misconduct;
- Make recommendations for corrective measures including training, counseling and/or discipline, when appropriate.
- Refer any recommendation for discipline to Human Resources for implementation in accordance with college policy.
- Oversee implementation of corrective measures, which may include follow-up to ensure that appropriate action was taken to complete the recommended actions.
- Require a college administrator responsible for taking corrective action, who decides not to adopt a recommendation of the Title IX Coordinator, to explain this decision in writing.

If the Title IX Coordinator determines that the reasons offered by a college administrator for not adopting a recommendation for corrective action are insufficient, he or she shall bring the matter to the attention of the Director of Human Resources or the Vice President of Student Services. The Director or the Vice President, in consultation with the Title IX Coordinator, and with the support of the President shall direct the administrator to take appropriate corrective measures to ensure that discrimination is prevented from recurring and its effects on the complainant and others are remedied.

In some circumstances, investigation and disposition of complaints may be referred to other offices within the College, such as Human Resources or Student Judiciaries, however, ultimate oversight remains with the designated Title IX Coordinator to coordinate and ensure NCCC's compliance with Title IX. To assure college-wide compliance with this policy and with federal and state law, the Title IX Coordinator must be advised of all reported incidents of discrimination or sexual misconduct and their resolution, regardless of where the complaint is brought, investigated, or resolved. The Title IX Coordinator will monitor and coordinate the resolution of complaints by other offices with concurrent jurisdiction over Title IX discrimination or sexual misconduct.

## Definitions

**Sex Discrimination:** A behavior or action that denies or limits a person's ability to benefit from, or fully participate in educational programs or activities or employment opportunities because of a person's sex. Examples of the types of discrimination that are covered under Title IX include, but are not limited to, sexual misconduct, sexual harassment, sexual violence, failure to provide equal opportunity in educational programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

**Sexual Misconduct:** A range of behaviors including sexual harassment and sexual violence. Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that (a) is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or to create a hostile or abusive educational environment, or (b) explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

**Gender Discrimination or Gender Harassment:** Includes discrimination or verbal/ physical harassment which is based on the person's gender but which is not sexual in nature. Niagara Community College's policies prohibit gender-based harassment, which may include discrimination or sexual misconduct on the basis of sexual orientation, gender identity or gender expression, and harassment or discrimination on the basis of sex-stereotyping.



Inquiry: A request from a member of the college community for information about the policy or the procedures for resolving a situation that involves discrimination or sexual misconduct. An inquiry may also refer to an informal notification that discrimination or sexual misconduct may have occurred and/or request for information about where or how to bring a complaint.

Complaint: A description of facts that allege violation of the College's policy against discrimination or sexual misconduct. The Title IX Coordinator may request that a complaint be made in writing.

Complainant: Student(s), employee(s) or visitor(s) of NCCC who alleges that she or he has been subjected to discriminatory practices or sexual misconduct. A third-party complainant is a person who brings a complaint on behalf of another member(s) of the campus community who has allegedly been the subject of discrimination or sexual misconduct. Complainants may be individuals or groups of individuals who have been impacted by discrimination or sexual misconduct.

Respondent(s): Person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons. Respondents may be individuals, groups, programs, academic or administrative units, or the institution.

Witnesses: Persons who have information about the alleged sexual misconduct that will tend to prove, disprove, or otherwise illuminate an investigation of a complaint.

Investigation: A fact finding inquiry by the Title IX Coordinator that attempts to determine whether behavior in violation of policy prohibiting discrimination or sexual misconduct occurred, and to make recommendations for resolution of the discriminatory or harassing conditions.

### Options for Resolution

Individuals making reports of discrimination or sexual misconduct shall be informed about options for resolving potential violations of the policies which prohibit discrimination or sexual misconduct. These options include informal dispute resolution, referral to other college offices or programs, formal investigation by the Title IX Coordinator, and availability of resources outside the college process. The College shall respond, to the greatest extent possible, to reports of discrimination or sexual misconduct brought anonymously or brought by third parties not directly impacted by the discrimination or sexual misconduct. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Complainants and other individuals bringing reports of discrimination or sexual misconduct shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the discrimination or sexual misconduct, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

Retaliation: Any attempt by a member of the College Community to penalize, intimidate, or retaliate in a way against a person who makes a report of or who is otherwise involved in a report of discrimination or harassment is completely prohibited. Retaliation may be found even when the underlying report does not constitute discrimination or harassment in violation of policy. Any individual who believes they have been subject to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) because he or she (a) made a report of discrimination or sexual misconduct in good faith, (b) assisted someone with a report of discrimination or sexual misconduct, or (c) participated in any manner in an investigation or resolution of a report of discrimination or sexual misconduct, should immediately make a report of retaliation under these procedures. The report of retaliation shall be referred to the Title IX Coordinator, to the appropriate academic or administrative supervisor, and to Human

Resources. Any person who retaliates against a person in response to a report or cooperation in an investigation will be in violation of this policy and will be subject to the appropriate discipline process.

Interim Measures: Niagara County Community College may at any point in the complaint process elect to place the respondent on investigative leave, reassignment, or authorize other types of interim measures while an investigation is pending, including but not limited to "no contact" provisions.

#### Procedures for Informal Resolution

Niagara Community College encourages informal resolution options when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of college policy as determined by the Title IX Coordinator, but nonetheless is adversely affecting the workplace or educational environment. Informal resolution may include an inquiry into the facts, but typically does not rise to the level of an investigation. If the situation is resolved or if the complainant does not want to pursue further investigation, the process may end at this stage. However, if the complainant is not satisfied with the outcome, or if the complainant chooses to forego the informal reporting stage; he/she may proceed directly to the formal reporting procedures.

Informal resolution includes but is not limited to options such as referral to another campus office or program, mediation, separation of the parties, referral of the parties to counseling programs, or conducting targeted educational and training programs. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively. Steps taken by the Title IX Coordinator to help the parties achieve informal resolution will be documented.

Some reports of discrimination or sexual misconduct may not be appropriate for informal resolution, but may require a formal investigation at the discretion of the Title IX Coordinator.

#### Procedures for Formal Investigation

In response to reports of discrimination or sexual misconduct in cases where the complainant does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the Title IX Coordinator may conduct a formal investigation. In such cases, the individual making the report shall be encouraged to file a written complaint. The accused will then be afforded fourteen (14) calendar days in which to provide a written response to the allegations. A copy of any response will be provided to the complainant. In cases where there is no written complaint, such as situations that involve a third party complaint, the Title IX Coordinator may initiate an investigation after making a preliminary inquiry into the facts, and will inform the person(s) who were allegedly harmed by discrimination or sexual misconduct of the decision to initiate an investigation.

Investigations of reports of discrimination or sexual misconduct shall incorporate the following standards:

1. The Title IX Coordinator and any designated Deputy Title IX Coordinators are the designated college officers responsible for conducting formal investigations into allegations of discrimination or sexual misconduct, and to coordinate the college responses to complaints of the same.
2. The individual(s) accused of conduct violating the College policy prohibiting sexual misconduct shall be provided a copy of the written complaint or otherwise informed of the substance of the allegations. If the individual(s) accused cannot be located, attempts at notification shall be documented.

3. The individual(s) conducting the investigation shall be familiar with the policy prohibiting discrimination or sexual misconduct and have training and/or experience in conducting investigations. The investigator will be the College's designated Title IX Coordinator or designee (e.g. a Deputy Title IX Coordinator). Often the Vice President of Student Services, or designee, will work in conjunction with the Title IX Coordinator when a complaint involves student behavior. If the complaint involves employee behavior than the Director of Human Resources, or designee, will work with the Title IX Coordinator. The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be advised to refrain from discussing the pending investigation.
4. At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the policy prohibiting sexual misconduct.
5. The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the written complaint was received. In the event that an investigation cannot be completed within 60 days, the parties shall be notified in writing.
6. Generally, an investigation will result in a written report that, at a minimum, includes a statement of the allegations and issues, a summary of the information considered, findings of fact, and a determination by the investigator as to whether college policy has been violated. For allegations of discrimination or harassing behavior, there are three possible findings:
  - (a) Substantiated: A preponderance of the evidence will be the standard of proof used to determine whether a policy violation occurred. Preponderance of the evidence means that the investigator must be convinced based on the information provided that a policy violation was more likely to have occurred than to not have occurred in order to find a student responsible for violating a policy.
  - (b) Unsubstantiated: It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.
  - (c) Unfounded: By a preponderance of evidence it is more likely than not that the allegation, while made in good faith, is untrue. A finding that the allegations are unfounded does not indicate that the complaint was improper or knowingly false.
7. The report also may contain recommendation for actions to resolve the complaint, including but not limited to educational programs, counseling/coaching, mediation, remedies for the complainant, and a referral to disciplinary procedures, as appropriate.
8. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.
9. The complainant and the respondent shall be informed in writing of the completion of the investigation and the outcome of the investigation. The complainant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint and shall be notified generally of referrals for disciplinary action and recommended disciplinary action.
10. Complainant and respondent(s) may request a copy of the investigative report pursuant to

college policy governing privacy and access to personal information.

11. Copies of the investigative report will be provided to those college administrators, academic leaders, and supervisors who are directly responsible for implementing measures to correct and prevent discriminatory or harassing conditions.
12. Regardless of the method of resolution or the outcome, Complainant is at all times free to pursue a complaint with the Equal Employment Opportunity Commission, the New York Division of Human Rights, the United States Department of Education (Office for Civil Rights), the United States Department of Labor (Office of Federal Contract Compliance Programs), or by consulting a labor/employment attorney at her or his own expense.

### Privacy

The College shall protect the privacy of individuals involved in a report of discrimination or sexual misconduct to the extent allowed by state and federal law. A report of discrimination or sexual misconduct may result in the gathering of extremely sensitive information about individuals in the College community.

#### a. Confidentiality of Reports of Discrimination or Sexual Misconduct

NCCC attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of discrimination or sexual misconduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the College's legal obligation to ensure a working and learning environment that is free from discrimination or sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation.

#### b. Confidential Resources

There are confidential resources available on campus. Confidentiality is limited to counselors and psychologists in the employee assistance program and student health services and the Survivor Advocate. Because content of discussions with confidential resources is not reported to an office of record, such discussions do not serve as notice to the College to address the alleged discrimination or sexual misconduct.

### Records & Reporting

The office of the Title IX Compliance Coordinator is responsible for maintaining records relating to discrimination or sexual misconduct reports, investigations, and resolutions. Records shall be maintained in accordance with college records policies, generally six years after the date the complaint is resolved. Records may be maintained for a longer period of time at the discretion of the Title IX Compliance Coordinator in cases where the parties have a continuing affiliation with the College. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel. Requests for information should be directed to the Office of the President.

### Consensual Relationships

Niagara County Community College acknowledges its responsibility to provide clear direction to the college community about the professional risks associated with consensual amorous and/or sexual relationships in which a definite power differential between parties exists. In as much as NCCC is committed to fostering the development of learning and work

environments characterized by professional and ethical behavior and free of discriminatory behavior, consenting amorous between supervisor and subordinates are strongly discouraged. Relationships between students and faculty members are not permitted. NCCC recognizes that it is difficult to regulate such personal decisions, but views them as reason for concern for the following two reasons:

1. Power Differentials: Individuals entering into consensual amorous and/or sexual relationships involving a power differential must recognize that (1) the reasons for entering such a relationship may be a function of the power differential; (2) where power differentials exist, even in seemingly consensual relationships, consent may not be considered a defense if a complaint of sexual harassment or retaliation is brought; and (3) it is almost always the case that the individual with the power or status advantage in the relationship will bear the burden of accountability.
2. Conflict of Interest: Conflicts of interest may arise in connection with consensual amorous and/or sexual relationships between college employees and students, or between supervisor and subordinates. College policy and more general ethical principles preclude individuals from evaluating the work or academic performance of those with whom they have intimate, familial relationships or from making hiring, salary, or similar decisions that have a financial impact on such persons. The same principles apply to consensual amorous and/or sexual relationships and require that appropriate alternate arrangements be made for objective decision-making with regard to the student, subordinate, or prospective employees.

## 2.22 - POST-TERMINATION CONTINUATION OF MEDICAL INSURANCE – COBRA

The Consolidated Omnibus Budget Recovery Act of 1985 (COBRA) provides eligible persons (including eligible family members) with the option to continue medical insurance coverage at the administrator's own expense based on applicable laws for certain lengths of time upon separation of service from the College. A 2% administrative fee will be added to the cost of the insurance. Information about COBRA is provided administrators at the time of their hire and is also available upon request from Human Resources.

## 2.23 - PREFERRED NAME POLICY

Niagara County Community College recognizes the need or preference for students and employees to refer to themselves by a "preferred name" other than their legal given or first and/or middle name. This is consistent with Title IX federal law which protects against discrimination based off gender identity and expression, and is currently recognized as a best practice for supporting transgender and gender non-conforming members of college communities. This service is not limited to use by transgender and gender non-conforming individuals, however, and is available to anyone who uses a preferred first name on a daily basis other than their legal/primary name.

Where a student or employee seeks to use a preferred name for a significant reason, and such use is not intended for the purposes of avoiding legal obligations, in jest, or for misrepresentation, the College acknowledges that, where possible and practical, a preferred name can be used in the course of College business and education. The College reserves the right to remove a preferred name if deemed inappropriate.

- Only the first and/or middle name may be changed to a preferred name;
- Last/family name must remain the same as the full legal last name in the College records system;

- The preferred name may be used in some College communications and informational materials, except where the use of the legal name is required by College business or legal need. This may include but is not limited to financial, medical, and law enforcement documents; transcripts; diplomas; W-4 forms; I-9 forms; 1098-T forms; payroll documents; Visa/immigration documents; employment applications and related documents; background check documents; insurance documents; and student conduct records;
- Preferred names are limited to alphabetical characters (a-z)

Development to accommodate use of a preferred name in College systems is ongoing. Not all College information systems, databases, and processes may be able to display a preferred name and many uses of an individual's name require display of the legal name; therefore, individuals who utilize a preferred name should always be prepared to reference their legal name and provide corresponding identification when necessary. A preferred name designation is not a legal name change.

The preferred name will be utilized in the student information system and classroom management system where deemed appropriate by NCCC. The legal name will appear in all other records and documents. Please note that preferred names cannot appear on the academic transcript as this is a legal document.

## 2.24 - PROCEDURES FOR THE UTILIZATION OF VOLUNTEERS

### PURPOSE

These procedures provide guidance on the utilization of volunteers and prescribe the process for obtaining authorization to utilize volunteers to perform services for the College.

### DEFINITION

Individuals, other than college employees, who provide direct service in support of Niagara County Community College and its programs without remuneration, are volunteers. Persons serving as interns are included in the definition of volunteer.

### GENERAL

In order to protect both the College's interests and its volunteers these individuals must receive official appointment as volunteers. **NO DEPARTMENT IS AUTHORIZED TO PERMIT A VOLUNTEER TO PERFORM SERVICES FOR THE COLLEGE WITHOUT PRIOR APPROVAL AND ISSUANCE OF THE VOLUNTEER APPOINTMENT LETTER.**

Volunteers are excluded from the definition of employee under the Fair Labor Standards Act. They may be reimbursed for their college business-related expenses.

Volunteers may be granted permission to operate college vehicles and equipment as required for fulfilling their volunteer duties. Such use must be expressly granted in the volunteer appointment letter.

Volunteers may not perform the work that is exclusive to a bargaining unit without prior approval. In instances where the request is to utilize volunteers to do bargaining unit work, the Director of Human Resources will initiate discussions with the applicable union president.

An employee of Niagara County Community College may not volunteer to the College services of the same type the employee is employed to perform.

Properly appointed and recorded volunteers are covered under the Worker's Compensation Law should they be injured while performing their volunteer duties. As such, it is important that volunteers and supervisors know that such incidents must be reported promptly by the volunteer to the College's Wellness Center

## PROCEDURES

Departments desiring to utilize the services of volunteers must comply with the following procedures prior to permitting a volunteer to perform services for the college:

Department supervisors should submit a written request to their immediate supervisor describing the services to be performed to include whether or not the volunteer will be using college vehicles or operating any college equipment and the period of time the services will be needed along with a copy of the person's resume. If the immediate supervisor concurs with the request, he/she will forward the request to his/her vice president. Once approved the department can then proceed in preparing a volunteer appointment letter. A sample can be found on the FYI page, under the Human Resources Document Center.

The volunteer appointment letter must be submitted to the appropriate vice president for signature. Copies of the letter will be furnished to Human Resources, the Business Office, and the department.

New volunteers are required to sign a release form for a criminal background check, which authorizes NCCC to obtain information on criminal conviction verification, sexual offender registry status, and driving records.

## 2.25 - PROGRAM AND SUPPORT UNIT EVALUATION

The Board of Trustees endorses the accreditation process of self-regulation. The Commission on Higher Education of the Middle States Association of Colleges and Schools states that:

"Middle States accreditation is an expression of confidence in an institution's mission and goals, performance, and resources. An institution is accredited when the educational community has verified that its goals are achieved through self-regulation and peer review. The extent to which each educational institution accepts and fulfills the responsibilities inherent in the process of accreditation is a measure of its commitment to striving for and achieving excellence in its endeavors."\*

The Board of Trustees notes that the accreditation of the Institution is, in part, based upon the assessment of peers that the Institution is providing quality educational services which society and the field of education expect. Thus, the Board, in accepting the importance of peer review in conjunction with an internal self-study consistent with criteria established by the Middle States Association, endorses the college's participation in the accreditation.

Evaluation of each academic program of the college should be undertaken periodically to provide faculty, administration, and the Board of Trustees with information about how well the program functions in relation to its objectives and the needs of the college and community. It may provide justification for actions of the following kinds:

1. Confirmation of the validity of the program and continuation of support for it.
2. Reconsideration and possible redefinition of the goals, purposes, and objectives of the program.
3. Review and alteration of the content and structure of the program.

4. Reconsideration of priorities and allocation of resources.
5. Redefinition of roles and reassignment of individuals.

It is recognized that the ultimate decision concerning the addition, retention, deletion or temporary withdrawal of a program or major unit rests with the College's Board of Trustees, acting on the recommendation of the President of the College, consistent with the regulations of the State University and with the policies and procedures established and accepted by the trustees.

A program is a course of study leading to a certificate or a degree. Program evaluation is a process to assess the overall effectiveness of a program through the process of self-study, external review, and institutional and program response.

Each academic program will be evaluated annually on key effectiveness indicators in order to monitor changes from year to year. Changes that are moving in a negative direction can be addressed at an early stage and be reviewed for progress each year. In addition, academic programs will undergo a self-study every five years that focuses on program goals, course requirements, adequacy of resources, and student learning outcomes in the major. Non-academic areas will be evaluated for effectiveness using an approach described by Barbara E. Taylor and William F. Massy<sup>1</sup>. This approach takes a broad view by identifying a variety of measurable indicators of institutional effectiveness in areas such as finance and human capital and compares these measures to comparable institutions, primarily the other SUNY community colleges. Where appropriate, data trends are examined, showing whether the indicators are moving in positive or negative directions. Data sources for this annual assessment include IPEDS, SUNY, the National Community College Benchmark Project, ACT/SUNY Student Opinion Survey, NCCC's own data trends, and any unique assessment that may have been done during the previous year. Because the assessment is done annually, it allows an evaluation of the current status and a review of how the indicator may have changed from the previous year and whether or not the change is in a positive direction. A review of trends allows timely planning for any corrective actions that may need to be taken.

\* Standards for Accreditation and Requirements for Affiliation (Philadelphia: Commission of Higher Education of the Middle States Association of Colleges and Schools, 2015, p.1)

<sup>1</sup>Taylor, B.B. and W. F. Massy. *Strategic Indicators for Higher Education: Vital Benchmarks and information to Help You Evaluate and Improve Your Institution's Performance*. Princeton, NJ: Peterson's, 1996.

## 2.26 – SERVICE ANIMALS ON CAMPUS POLICY

**Policy: Only service animals are permitted inside College buildings. Unattended animals are not permitted on College grounds nor in unattended vehicles at any time. In cases of special events sponsored by the College or in connection with the teaching of a specified class, animals may be permitted.**

**According to the American's with Disabilities Act (ADA), "Service Animals"** are dogs (and sometimes miniature horses, if permitted by 29 C.F.R. §36.302 (c)(9)), that are individually trained (to perform a specific job or task) to do work or perform tasks for the benefit of individuals with disabilities, including physical, sensory, psychiatric, intellectual, or other mental disabilities. Examples of such tasks include, but are not limited to: guiding blind individuals, alerting deaf individuals, pulling a wheelchair, retrieving items (such as medication or a telephone), alerting and protecting an individual who is having a seizure, reminding an individual with a mental illness to take prescribed medications, calming an individual with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties directly related to the individual's disability. "Service Animals" are generally permitted to accompany individuals with disabilities to all areas where members



of the public are allowed to go. Animals whose sole function is to provide comfort or emotional support do not qualify as “Service Animals.” Service animals are working animals, not pets. The work or task the animal has been trained to provide must be directly related to the person’s disability.

**“Emotional Support” or “Comfort” animals are not service animals. Questions about comfort or emotional support animals as a reasonable accommodation under the Americans with Disabilities Act should contact the Director of Human Resources, Equity and Inclusion, Title IX Coordinator or Accessibility Services Coordinator for case-by-case review and consideration.**

**“Pets”** are animals kept for ordinary companionship and are not considered “Service Animals”.

- Service animals do not need to be identified as such however it is permissible to ask if the animal is a trained service animal. For example, ***“Is this animal required because of a disability?”*** If someone feels it is necessary, he or she may also ask the individual, ***“What work or task has this animal been trained to perform?”***
- We may NOT ask an individual to disclose the nature of his or her disability, to provide an accommodation letter from the Office of Accessibility Resources (OAR), or to provide training documentation of the service animal. The animal does not need to wear a tag or vest that indicates that it is a service animal. We can ask for record of vaccinations.
- A person with a disability cannot be asked to remove his or her service animal from the premises unless: (1) the animal is out of control and the handler does not take effective action to control the animal or (2) the animal is not housebroken.

### **MINIATURE HORSE EXCEPTION**

**Reasonable modifications:** Niagara County Community College shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

**Assessment factors:** In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, Niagara County Community College shall consider—

The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- Requirements which apply to service animals, shall also apply to miniature horses.

### **SERVICE ANIMAL USE ON CAMPUS**

- Visitors to campus with service animals may access all public facilities, with the exception of areas where service animals are specifically prohibited due to safety or health restrictions or where the service animal may be in danger. For more information or questions please contact the **Director of Human Resources, Equity and Inclusion, Title IX Coordinator at A-261 or 716-614-5951.**
- Students with a disability who wish to utilize a service animal in the classroom are strongly encouraged to register with the **Accessibility Services Coordinator at A-167 or 716-614-6285.**
- Employees with a disability who wish to utilize a service animal in the classroom or College office are strongly encouraged to register with the **Director of Human Resources, Equity and Inclusion, Title IX Coordinator at A-261 or 716-614-5950.**
- Service animals on campus must comply with all state and local licensure and vaccination requirements.
- The care and supervision of a service animal is the responsibility of the individual who uses the animal's service. The individual must maintain control of the animal at all times. The animal should always be on a leash, harness or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of a harness, leash or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.
- The individual using the animal's service is responsible for ensuring the cleanup of all animal waste. All service animals must be housebroken. College Grounds/Maintenance may designate animal toileting areas.

### **INTERACTING WITH SERVICE ANIMALS BY GENERAL PUBLIC**

Service animals work and perform tasks and are not pets. The general public should not:

- Touch or feed a service animal
- Deliberately distract or startle a service animal;
- Separate or attempt to separate a service animal from the individual using the animal's service.

### **DISPUTE RESOLUTION**

Disputes or disagreements about a disability determination, appropriateness of an accommodation, service quality, or an animal restriction should first be raised with the Disabilities Specialist. If the matter cannot be resolved, a written complaint can be filed with the College's Compliance Officer.

For more information, use this link to the American's with Disabilities Act's (ADA) policy on Service Animals:

## 2.27 - SEXUAL ASSAULTS

Niagara County Community College does not condone any form of sexual assault committed by any member of the college community. Sexual assaults are crimes of violence, and men and women of the campus community who commit these crimes are subject to severe sanctions pursuant to the Penal Law of the State of New York as well as through the campus judicial system or college policy and procedures as established through the collective bargaining agreements, Board of Trustees Policy and/or the Student Code of Conduct. Any student charged with violating the Student Code of Conduct and is formally charged, may have that reflected on their permanent record. Internal sanctions may include suspension or expulsion of students, required leave, or termination of employment.

Definition: Sexual assault is a forced sexual act or any sexual contact against one's will as defined in Penal Law S130.00(3).

### Procedure

- **Reporting:** Sexual assault incidents shall be reported to Public Safety, which in turn is required to report such incidents to law enforcement agencies. When the victim reports the incident, the Victim Assistance Support Team shall be contacted immediately. This team will consist of the college nurse, a counselor, a victim advocate, and a representative of Public Safety. The team is to make available immediate medical and psychological treatment for the victim. This team will also advise the victim about his or her rights to initiate judicial proceedings on campus, as well as the right to utilize law enforcement agencies.
- **Off College-Owned or Controlled Property:** If the assault occurs off College-owned or controlled property and the alleged perpetrator is a member of the college community, the College may invoke established procedures as deemed necessary to protect the institution and those affiliated members.
- **Confidentiality:** All reports of sexual assault will be kept confidential and anonymity of all parties will be maintained to the extent possible. The names of the involved parties will only be available during the investigation and hearing to those with a "Need to Know". Those with a "Need to Know" may include: the alleged victim, the alleged accused, the members of the Victim Assistance Support Team, the hearing officer, and counsel for all parties including the college.
- **Action:** If the accused is a student, the procedures detailed in the Student Code of Conduct shall be followed.

If the accused is an employee of the college and/or College Association, the procedures detailed in the respective contractual agreement and/or according to terms or conditions of employment, shall be utilized.

All documents related to the incidents will be kept on file as required by the State of New York.

Communication of Incident: The need for notification of the college community will be determined by the college President based on the specific situation and safety of college personnel. In no case will the college release the names of the involved parties. Any communication, both internal and external, will be coordinated by Public Relations and the Office of the President.

## 2.28 - SEXUAL HARASSMENT PREVENTION POLICY

### Introduction

Niagara County Community College is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Niagara County Community College's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Niagara County Community College. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

### Policy:

- Niagara County Community College's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Niagara County Community College. In the remainder of this document, the term "employees" refers to this collective group.
- Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action as outlined in the collective bargaining agreement or employee handbook (e.g., counseling, suspension, termination).
- Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Niagara County Community College will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Niagara County Community College who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination as outlined in the collective bargaining agreement or employee handbook. All employees, paid or unpaid interns or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a **supervisor, manager, or Catherine Brown, Director of Human Resources, Equity and Inclusion, Title IX Coordinator**. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
- Sexual harassment is offensive, is a violation of our policies, is unlawful. Employees and non-employees who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
- Niagara County Community College will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Niagara County Community College will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found

to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

- All employees are encouraged to report any harassment or behaviors that violate this policy. Niagara County Community College will provide all employees a complaint form to report harassment and file complaints or allow an individual to report verbally to the Director of Human Resources, Equity and Inclusion, Title IX Coordinator.
- Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Catherine Brown, Director of Human Resources, Equity and Inclusion, Title IX Coordinator.
- This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

---

<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

### What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

Such conduct is made either explicitly or implicitly a term or condition of employment; or

Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee or non-employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

Physical acts of a sexual nature, such as:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
- Rape, sexual battery, molestation or attempts to commit these assaults. Unwanted sexual advances or propositions, such as:
- Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
- Subtle or obvious pressure for unwelcome sexual activities.

Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work;
- Bullying, yelling, name-calling.

### Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts,

emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

reported that another employee has been sexually harassed; or

encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Niagara County Community College cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a **supervisor, manager or Catherine Brown, Director of Human Resources, Equity and Inclusion, Title IX Coordinator**. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a **supervisor, manager or Catherine Brown, Director of Human Resources, Equity and Inclusion, Title IX Coordinator**.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to **Catherine Brown, Director of Human Resources, Equity and Inclusion, Title IX Coordinator**.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Niagara County Community College will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

Upon receipt of complaint, **Catherine Brown, Director of Human Resources, Equity and Inclusion, Title IX Coordinator** will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

Request and review all relevant documents, including all electronic communications.

Interview all parties involved, including any relevant witnesses.

Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents.
- A list of names of those interviewed, along with a detailed summary of their statements.
- A timeline of events.
- A summary of prior relevant incidents, reported or unreported; and



- The basis for the decision and final resolution of the complaint, together with any corrective action(s).

Keep the written documentation and associated documents in a secure and confidential location.

Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### Legal Protections and External Remedies

Sexual harassment is not only prohibited by Niagara County Community College but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Niagara County Community College, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Niagara County Community College does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in Sanborn or Niagara Falls, NY may file complaints of sexual harassment with the Buffalo Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the Buffalo Commission on Human Rights, Walter J. Mahoney State Office Bldg. 65 Court Street, Suite 506, Buffalo, New York 14202, Telephone No. (716) 847-7632, eFax: (716) 847-3445 or [InfoBuffalo@dhr.ny.gov](mailto:InfoBuffalo@dhr.ny.gov).

### Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department or dial 911.

REVISED

College approved: 10/2018

BOT approved: 10/16/2018

## 2.29 - SEXUAL MISCONDUCT/VAWA (VIOLENCE AGAINST WOMEN ACT) NOTICE

Niagara County Community College (NCCC) 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, NCCC 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 and NCCC 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. NCCC encourages the reporting of sexual misconduct that is prompt and accurate. This allows the NCCC community to quickly respond to allegations and offer immediate support to the victim. NCCC 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. Certain professionals at the College are permitted by law to offer confidentiality. Those who do not maintain the privilege to offer confidentiality are expected to keep reports private to the extent permitted under the law and College policy. This means that they may have to report to college officials, but will not broadcast the information beyond what is required by law and policy. 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 NCCC community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, NCCC engages in ongoing prevention and awareness education programs. All members of the NCCC community must participate in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

This policy applies to all members of the NCCC 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.

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.

#### 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 cause 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.

**CONSENT:**

*Consent is the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the sexual activity. Consent to sexual contact or any specific sexual act cannot be given if an individual is incapacitated or impaired because of a physical or mental condition or the ingestion of drugs or alcohol, or under the age of 17. Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs is not an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of lack of consent. Consent may be initially given, but it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness. Failure to cease sexual contact promptly in response to a withdrawal of consent constitutes prohibited nonconsensual sexual contact. "No" or any other negative statement or acts/physical gestures supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact will be regarded as a denial of consent to such sexual contact.*

This policy covers conduct that takes place on the NCCC campus. This includes any building or property owned or controlled by NCCC and used in direct support of, or in a manner related to, the school's educational purposes, including residence halls, 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 connection 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, community organizations with student and/or faculty participation, and all other educational or extracurricular events hosted by or at the college/university.

**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:** NCCC is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. While NCCC 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.

## 2.30 - SOCIAL MEDIA POLICY

### Purpose

NCCC recognizes that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of media, such as Facebook, LinkedIn, Twitter, Instagram, Pinterest, Tumblr, blogs, YouTube, Flickr, wikis, radio,

television, and newspaper. However, employees' use of social media can pose risks to NCCC's confidential and proprietary information, reputation, and brands, can expose NCCC to discrimination and harassment claims, and can jeopardize NCCC's compliance with business rules and laws.

To minimize these business and legal risks, to avoid loss of productivity and distractions from employees' job performance, and to ensure that NCCC's IT resources and communications systems are used appropriately as explained below, NCCC expects its employees to adhere to the following guidelines and rules regarding social media use.

Apart from personal use of social media in accordance with this policy, NCCC encourages its employees to participate responsibly in these social media as a means of generating interest in NCCC and creating business opportunities, so long as all of NCCC's rules and guidelines regarding social media usage, particularly in a business context, are adhered to.

### Compliance with Related Policies and Agreements

All of NCCC's other policies that might apply to social media use remain in full force and effect. Employees should always adhere to them when using social media.

Social media should never be used in a way that violates any other NCCC policy or employee obligation. If an employee's social media activity would violate any of NCCC's policies in another forum, it will also violate them in an online forum. For example, employees are prohibited from using social media to:

- Violate NCCC's NCCCnet Computer Usage Policy section 6.1 of the College Policy Manual found at: <http://www.niagaracc.suny.edu/pdf/oit/NCCCnet-policy.pdf>. Violate our Information Security Policy section 6.2 of the College Policy Manual found at: <http://www.niagaracc.suny.edu/pdf/oit/NCCCInformationSecurityPolicy.pdf>.

- Engage in unlawful harassment which our policies can be found in this policy manual in sections 2.15, 2.19, 2.26, 2.35, 6.1

- Circumvent policies prohibiting unlawful discrimination against current employees or applicants for employment.

- Violate NCCC's privacy policies can be found in the policy manual sections 2.7, 4.3.

- Violate any other laws or ethical standards (for example, never use social media in a false or misleading way, such as by claiming to be someone other than yourself or by creating an artificial "buzz" around the College).

Employees who violate NCCC's policies may be subject to progressive discipline consistent with the employee's applicable Collective Bargaining Agreement.

### Personal Use of Social Media

Personal use of social media is never permitted on working time.

### No Expectation of Privacy

All contents of NCCC's IT resources and communications systems are the property of NCCC. For more details regarding this see the NCCCnet Computer Usage Policy at: <http://www.niagaracc.suny.edu/pdf/oit/NCCCnet-policy.pdf>.

You are expressly advised that in order to prevent misuse, **NCCC reserves the right to monitor, intercept, and review, without further notice, every employee's activities using NCCC's IT resources and communications systems, including but not limited to social media postings and activities.** This might include, without limitation, the monitoring, interception, accessing, recording, disclosing, inspecting, reviewing, retrieving, and printing of transactions, messages,

communications, postings, logins, recordings, and other uses of the systems as well as keystroke capturing and other network monitoring technologies.

NCCC also may store copies of such data or communications for a period of time after they are created, and may delete such copies from time to time without notice.

Do not use NCCC's IT resources and communications systems for any matter that you desire to be kept private or confidential from NCCC. For more information on the details regarding this, see the NCCCnet Computer Usage Policy go to:

<http://www.niagaracc.suny.edu/pdf/oit/NCCCnet-policy.pdf>.

### Business Use of Social Media

The Public Relations Department maintains the official "Niagara County Community College" presence on various social media websites, including Facebook, YouTube and Twitter, communicating directly with and receiving instant feedback from online communities that include students, faculty, staff, alumni, prospective students, families, fans and others. The Public Relations Department also maintains a list of all social media sites used by NCCC.

If you are required to use social media as part of your job duties, for NCCC's marketing, public relations, recruitment, corporate communications, or other business purposes, you should understand that you are responsible for following all normal expectations for professional behavior as a representative of the College. If your job duties require you to speak on behalf of NCCC in a social media environment, you must still seek approval for such communication from your supervisor who may require you to receive training before you do so and impose certain requirements and restrictions regarding your activities. Likewise, if you are contacted for comment about NCCC for publication and are speaking on behalf of NCCC, including in any social media outlet, direct the inquiry to your supervisor and do not respond without written approval.

Note that NCCC owns all social media accounts used on behalf of NCCC or otherwise for business purposes, including any and all log-in information, passwords, and content associated with each account, such as followers and contacts. NCCC owns all such information and content regardless of the employee that opens the account or uses it, and will retain all such information and content regardless of separation of any employee from employment with NCCC.

It is important to note that all content/all platforms developed for any mobile devices (i.e., iPhones or other smartphones and tablet computers) and that use the College's name, logo type or other institutionally identifiable information should meet the standards set forth in the NCCC Graphic Standards Style Guide and these guidelines.

NCCC employees who are considering establishing or have already started a social media site as a College representative must contact the Public Relations Department ([pr@niagaracc.suny.edu](mailto:pr@niagaracc.suny.edu)) for advice, support and promotion. The Public Relations Department can help employees establish the goals, build a social media plan, learn about do's and don'ts, select the appropriate social media tool to support the goals, promote the site, and otherwise navigate through the process of establishing and maintaining a social media presence. All official NCCC social media accounts must be created by the Coordinator of Multimedia and Web Services within the Public Relations Department.

### Guidelines for Employees' Responsible Use of Social Media

The above material covers specific rules, policies, and contractual obligations that employees must follow in using social media, business purposes, in consideration of their employment and subject to discipline for violations. The following sections of the policy provide employees with

common sense guidelines and recommendations for using social media responsibly and safely, in the best interests of NCCC. These guidelines reflect the “duty of loyalty” all employees owe their employers, and are intended to add to, not contradict, limit, or replace, applicable mandatory rules, policies, legal requirements, legal prohibitions, and contractual obligations.

- Protect NCCC’s Goodwill, Brands, and Business Reputation

You are responsible for what you communicate in social media. Remember that what you publish might be available to be read by the masses (including the College itself, future employers, and social acquaintances) for a long time. Keep this in mind before you post content.

Make it clear in your social media activity that you are speaking on your own behalf. Write in the first person and use your personal email address when communicating via social media.

If you disclose your affiliation as an employee of NCCC, it is recommended that you also include a disclaimer that your views do not represent those of your employer. For example, consider such language as “the views in this posting reflect my personal views and do not necessarily represent the views of my employer.”

Use good judgment about what you post and remember that anything you say can reflect on NCCC, even if you do include a disclaimer. Always strive to be accurate in your communications about NCCC and remember that your statements have the potential to result in liability for you or NCCC. NCCC encourages professionalism and honesty in social media and other communications.

- Respect and Comply with Terms of Use of All Sites You Visit

Do not expose yourself or NCCC to legal risk by using a social media site in violation of its terms of use. Review the terms of use of all social media sites you visit and ensure your use complies with them. If you are using social media as part of your job duties, pay particular attention to terms relating to:

- Prohibitions or restrictions on the use of the social media site, including prohibitions or restrictions on use for advertising, marketing and promotions, or other commercial purposes (for example, Facebook’s Statement of Rights and Responsibilities and accompanying Promotional Guidelines specify the terms for businesses administering promotions through Facebook).

- Ownership of intellectual property used on, or information collected or generated through use of, the site (for example, any of the company’s copyrighted material and trademarks that might be posted on the site, or user information the company collects through the site).

- Requirements for licenses or other permissions allowing use by the site owner and other third parties of the company’s trademarks or other intellectual property.

- Privacy rights and responsibilities of the site owner and users.

- Respect Others

In addition to complying with NCCC’s mandatory anti-harassment and anti-discrimination policies, do not do anything that NCCC’s students, business partners, suppliers, or vendors would find offensive, including ethnic slurs, sexist comments, discriminatory comments, profanity, abusive language, or obscenity, or that is maliciously false.

Supervisors should refrain from trying to connect with their direct reports on social media sites (for example, making friend requests on Facebook). However, direct reports may request

connections with supervisors. Neither supervisors nor direct reports should feel pressured to accept any social media requests from anyone at NCCC.

#### Conduct Not Prohibited by This Policy

This policy is not intended to preclude or dissuade employees from engaging in legally protected activities/activities protected by state or federal law, including the National Labor Relations Act, such as discussing wages, benefits, or other terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their own and their fellow employees' mutual aid or protection, or legally required activities.

### 2.31 - CONSENSUAL/ROMANTIC RELATIONSHIP

Niagara County Community College is committed to protecting the safety and well-being of its faculty, staff, and students in order to provide educational and working environments that are free from discrimination and harassment. The College recognizes that there may be times when faculty or staff are in positions of real or perceived power and authority over subordinate faculty, staff, or students. This can occur within supervisory, evaluative, instructional, or other professional situations which create an imbalance of power and control. Any sexual or romantic relationship between a superior and subordinate may result in a loss of objectivity and create a conflict of interest. Due to the fear of retribution or retaliation, the subordinate may experience a real or perceived lack of freedom to reject a potential sexual or romantic relationship or experience a real or perceived lack of freedom to terminate or alter an existing sexual or romantic relationship.

As such, NCCC prohibits any sexual or romantic relationship when there is an existing supervisory, evaluative, or instructional relationship.

NCCC will make allowances for current relationships pre-dating this policy. However, if relationship develops, those individuals are required to immediately report the relationship to the Director of Human Resources, Equity and Inclusion, Title IX Coordinator. The College will then arrange alternate supervisory roles to ensure that supervisors in a consensual romantic or sexual relationship with a subordinate be removed from any evaluation of the subordinate, and from any activity or decision that may appear to reward, penalize, or otherwise affect the status of that subordinate.

Please note that any employees that fail to follow the terms of this policy, will face disciplinary measures up to and including termination. All employees will be entitled to the due process as outlined under the Administrators Conditions of Employment Handbook or respective collective bargaining agreement.

College approved: 2/26/2019

BOT approved: 2/26/2019

### 2.32 - TITLE IX POLICY

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance."*

*-Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act*

*-Restated: White House Task Force Report-April 2014*



Title IX of the Education Amendment of 1972 prohibits sex discrimination in all educational programs and activities. Sex discrimination includes all forms of sexual harassment, including verbal sexual harassment and sexual violence by employees, students, or third parties against employees, students or third parties. Niagara County Community College is fully compliant with Title IX and applies compliance to athletics, admissions, financial aid, academic matters, career services, counseling and medical services and all other programs/activities available to students, as well as in the workplace for faculty and staff.

Conduct covered by Title IX Includes:

- Sex Discrimination and Harassment
- Sexual Violence
- Stalking
- Interpersonal Violence
- Retaliation
- Gender-based Discrimination, Sexual Orientation Discrimination, Sexual/Gender Identity Discrimination
- Bully/Cyber-Bullying and Hazing

The Title IX Officers are:

**Title IX Coordinator for Employees**

Catherine Brown  
Director of Human Resources, Equity and Inclusion  
Room A264  
(716) 614-5951  
[cbrown@niagaracc.suny.edu](mailto:cbrown@niagaracc.suny.edu)

**Deputy Title IX Coordinator for Students & Athletics**

Julia Pitman  
Vice President of Student Services  
Room A172  
(716) 614-6241  
[jpitman@niagaracc.suny.edu](mailto:jpitman@niagaracc.suny.edu)

The Title IX Officer is responsible for facilitating the investigation and remedies, as well as offer support resources to the victim/complainant, for any allegation of sex or gender-based harassment, discrimination, misconduct, violence or any other conduct covered by Title. The Title IX Officer works closely with Student Services, Academic Affairs, Human Resources, Campus Security and other office during Title IX investigation and to provide education programming for the campus community.

**Knowledge of Child Sexual Abuse:**

Any employee, student or volunteer of Niagara County Community College who witnesses or has reasonable cause to suspect any sexual abuse of a child occurring on College property or while off campus during official College business or College-sponsored events shall have an affirmative obligation to report such conduct to Campus Security immediately. Such report should include the names of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, Campus Security shall promptly notify the Director of Campus Security and Safety who shall report such incidents to the responsible College officials. In addition, to aid in the prevention of crimes against children on property of the College and/or during official NCCC

business at events sponsored by the College, relevant employees should be trained on the identification of such crimes and proper notification requirements. Vendors, licenses or others who are given permission to come on campus or to use College facilities for events or activities that will include participation of children shall ensure that they have in place procedures for training, implementation of applicable pre-employment screening requirements and reporting of child sexual abuse. For purposes of this policy, the applicable definitions of child sexual abuse are those used in the NYS Penal Law in Article 130 and 263 and Section 360.10 and “child” is defined as an individual under the age of 17.”

### Reporting Alleged Title IX Violations

#### Obligation to Report:

Any observed, experienced or known sexual discrimination, sexual harassment, sexual violence or other Title IX conduct violation. It does not matter if an incident occurred on-campus or off campus, nor if the incident occurred today, recently, or a time in the past.

#### Reporting Alleged Violations:

Students should report allegations of inappropriate conduct to any staff member they feel comfortable approaching. However, reports by students will usually be referred to the Vice President of Student Services at 716-614-6240, Campus Security at 716-614-6400, **Employees** should report suspected Title IX violations to their supervisor, or the Title IX Officer at 716-614-5951.

A student or employee who has been sexually assaulted, or is in immediate danger should contact Campus Security immediately at 716-614-6400.

For on-campus medical assistance, contact the Wellness Center at 716-614-6275.

The Title IX Officer will collaborate with the appropriate offices in the investigation and response to a complaint.

#### Confidentiality:

The College will make every effort to keep the confidentiality of any person(s) reporting a claim and when possible will keep the identity of an unwilling victim or witness confidential. The College, however, cannot guarantee unqualified confidentiality as it must balance confidentiality with the safety of other members in the community. If the College determines that there is the threat of imminent harm to an individual or to the community, information may need to be shared and then only with appropriate individuals. Complainants will be advised if information pertaining to a claim is shared with individuals outside of the College’s investigative process. There are certain individuals who, under the law and under specific circumstances, are bound by rules of confidentiality. If you choose to report a claim to any of the resources listed, you may ask whether your conversation with them is privileged under the law.

#### Grievance Procedures:

Copies of the College’s Title IX grievance procedures and local campus and community resources may be obtained from the Title IX Office.

The U.S. Department of Education’s Office of Civil Rights is the entity that is charged with enforcing Title IX compliance. Inquiries about these issues may also be referred to:

U.S. Department of Education, Office for Civil Rights (OCR)  
New York Office 32 Old Slip, 26th Floor

New York, New York 10005-2500  
**Phone: 646-428-3800**  
**Fax: 646-428-3843**  
**Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)**  
Visit: <http://www2.ed.gov/about/offices/list/ocr/index.html>.

This nondiscrimination notice appears on the college's various web sites, in college publications, and employment materials.

## 2.33 - TOBACCO FREE ENVIRONMENT POLICY

### Policy

Niagara County Community College is committed to improving the health of its employees through a comprehensive program that discourages the use of tobacco products on its property.

Effective September 1, 2010 the use, distribution, or sale of tobacco products, including any smoking device, or carrying of any lighted smoking instrument, in NCCC buildings or on NCCC premises is prohibited. This includes, but is not limited to all NCCC: sidewalks; parking lots, landscaped areas, recreational areas and buildings on any NCCC property and in NCCC owned, rented or leased vehicles, and at events on NCCC premises. Smoking materials must be extinguished prior to entering upon any NCCC property without exception. All tobacco products in use must be disposed of prior to entering upon any NCCC property or exiting a personal vehicle: Improper disposal includes: Spitting smokeless tobacco product; Littering (i.e. discarded cigarette butts, throwing or disposing of cigarette butts out of windows, leaving spit container).

For the purpose of this policy, "tobacco" is defined to include any cigarette, e-cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; and smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form.

All Niagara County Community College employees, students, visitors and contractors are required to comply with this policy, which shall remain in force at all times.

Violations of this policy by students and employees will result in the action prescribed in enforcement section below.

### Rationale

Niagara County Community College is committed to improving the health of its employees, students and visitors and acknowledges and supports the findings of the Surgeon General that tobacco use in any form, including exposure to secondhand smoke is a significant health hazard. NCCC further recognizes that environmental tobacco smoke has been classified as a Class-A carcinogen. In light of these health risks, and in support of a healthy learning/working environment, the college, through a comprehensive program, prohibits the use of tobacco products on its property.

### Positive Reinforcement

As the primary purpose of this policy is to improve the health of employees and students, the college is committed to providing opportunities for persons to address their use of tobacco. The college prefers not to revert to negative means of enforcement and trusts that persons will comply voluntarily. To this end, the college will offer smoking cessation programs, provide educational materials, and generally seek to influence compliance in a positive manner. The College Wellness Center and the Health Education Center are available to all persons interested in seeking ways to address their use of tobacco.

## Authority

1. The enforcement of this policy is the responsibility of Public Safety personnel.
2. Public Safety Officers are authorized to issue tickets for violations and control and regulate facilities use as prescribed in this policy.

## Enforcement

1. Visitors to the campus using tobacco will be asked to discard the tobacco product. Visitors failing to comply with the request will be escorted off campus.
2. Organizations using college facilities will be given written notification that tobacco products are not permitted on campus and that they agree to publicize the college's policy in their notices.
3. While the college hopes that it is not necessary to address violations, it is necessary to publicize the means by which it may be necessary to address violations by employees or students. The purpose, therefore, of the following systematic approach is to influence compliance with this policy in a positive manner while providing progressive steps leading to disciplinary action. Violations of this policy by students or employees, other than members of the Technical Support Personnel Association (TSPA), will be handled in a manner described below and are not subject to the disciplinary procedures outlined in a collective bargaining agreement or student code of conduct. Members of the TSPA who violate the tobacco policy will be subject to the disciplinary procedures outlined in their collective bargaining agreement.  
  
1<sup>st</sup> offense - verbal warning that is documented  
2<sup>nd</sup> offense - written warning  
3<sup>rd</sup> offense - written reprimand  
4<sup>th</sup> offense - \$25 fine  
5<sup>th</sup> offense - \$50 fine  
6<sup>th</sup> offense - \$100 fine  
7<sup>th</sup> and subsequent offenses - \$200 fine
4. Monies collected for violations of the tobacco policy will be used to support smoking cessation programs with any excess funds contributed to the Niagara County Community College Foundation's Unrestricted Fund.

## Processing of Violations

1. Tobacco tickets will be issued for violations of this policy. A copy of the ticket issued to employees will be provided to the Human Resources Office for processing after the period of time for filing of an appeal has expired or upon denial of such appeal. Copies of tickets issued to students will be provided to the Office of the Vice President of Student Services for processing after the period of time for filing of an appeal has expired or upon denial of such appeal.
2. Upon receipt of the ticket by the applicable office, such office will issue the appropriate notice based on the number of offenses. Fines must be paid to the college's cashier's office within 30 days of receipt of the notice of the fine.

## Appeals

1. Alleged violators may appeal to the Director of Public Safety for a brief adjudicative procedure within seven calendar days of the date of the citation. The Director of Public

Safety may void a ticket and not process it further.

2. Appeals of the decision of the Director of Public Safety are to be submitted to the Vice President of Operations within seven days of receipt of such decision. Written notification of the Vice President's decision shall be made within ten days of receipt of the appeal and such decision by the Vice President shall be final.

#### Unpaid Fines

If any fine remains unpaid, any or all of the following actions may be taken by the college:

1. A hold may be placed on student transcripts.
2. Registration for the following term may be delayed.
3. The amount due as a result of fines due and payable may be deducted from paychecks of Niagara County Community College employees, including student workers, if not paid within 30 days of receipt of ticket by the Business Office.
4. Outstanding fines may be referred to a collection agency.

### 2.34 - UNEMPLOYMENT INSURANCE

Determination of eligibility for unemployment insurance is made by the Department of Labor in accordance with New York State laws.

### 2.35 - WITNESS AND VICTIMS OF CRIME LEAVE

#### Criminal Proceedings

The College acknowledges that, on occasion, employees may have an obligation to participate in criminal legal proceedings either as a witness or because the employee or a close family member was victimized by a criminal act. The College authorizes leave to attend those proceedings under circumstances described in this policy.

If the employee is required to attend a criminal proceeding either as a witness or as a crime victim (or a close family member of a crime victim), the employee must inform Human Resources or the employee's supervisor as soon as possible and at least one day before taking leave to make arrangements for a leave of absence. The College reserves the right to require employees to provide proof of the need to attend the criminal proceedings to the extent authorized by law.

Employees who must attend criminal proceedings for reasons authorized by this policy take that leave unpaid. Employees may opt to use any available accrued paid time off in place of unpaid leave. For purposes of this policy, close family member includes: Spouse or domestic partner, Parent, Step-parent, Parent-in-law, Sibling, Brother-in-law, Sister-in-law, Child, Step-child, Son-in-law, and Daughter-in-law.

The employee is expected to return to work if he/she is excused from the criminal proceedings during regular working hours or released from the criminal proceeding earlier than expected.

This policy does not extend leave to employees seeking leave because they have committed or are alleged to have committed a criminal act.

Retaliation for an employee's taking leave permitted under this policy is strictly prohibited.

## 2.36 - WORKERS' COMPENSATION INSURANCE

Employees who are injured or become ill on the job are eligible for benefits under the Workers' Compensation laws of New York State if such injury or illness is considered work related as determined by the Workers' Compensation Board. To receive Workers' Compensation benefits, employees must:

Complete a written accident/injury report with the Health Clinic. Failure to file a report within seven (7) days may affect eligibility for benefits.

Report the injury/illness to their supervisor as soon as practicable but no later than the time the written accident report is completed.

Seek medical treatment and follow-up care as required.

## 2.37 - WORKPLACE VIOLENCE POLICY AND PROGRAM

### PREAMBLE

NYS Labor Law § 27-b and its implementing regulations in 12 NYCPR § 800.6 establish requirements for the creation of programs aimed at the prevention of Workplace Violence. This document addresses the potential for violence in the workplace and is designed to create and ensure a working environment where violence or threats of violence by any member of, or visitors to, the college community that could affect any employee are not tolerated and are dealt with in an appropriate and timely manner.

### POLICY STATEMENT

Niagara County Community College will not tolerate violent acts and threats of violence. As such, students, employees, volunteers, independent contractors, vendors, and visitors to the campus who commit, or threaten to commit, acts of violence are subject to disciplinary action and/or civil or criminal prosecution as appropriate.

In order to protect the campus community from potential harm and violence, the College prohibits any weapon capable of causing bodily harm at a time and place that manifests intent to harm or intimidate another person or warrants alarm for personal safety from being in the workplace. Employees of the college, town, state or federal government who at the time are engaged in law enforcement activities are exempt from this prohibition.

In the event of a situation in which there is imminent danger, persons should call 911 and then call Public Safety at 716 614-6400 or ext. 6400 (Sanborn) or 716 210-2555 or ext. 2555 (NFCI). If required, the Emergency Response Plan (see Critical Incident Response Plan under Security/Safety on the College's FYI page) and/or the Timely Warning Policy will be implemented.

Employees affected by an incident, or know of someone who has been involved in an act of violence shall immediately report it to their supervisor or to Human Resources. Supervisors who receive such reports should contact Human Resources for further help and advice.

Students affected by an incident, or know of someone who has been involved in an act of violence, shall immediately report it to Public Safety.

The College does not discriminate against victim(s) of violence, or those who report such

violence, regardless of severity.

Retaliation against anyone who has reported a violation or is involved in an investigation is prohibited and should be reported to the Human Resources immediately.

This policy is not intended to replace the College's policy on Hate Crimes (see College Policy Manual). In the event an incident covered by the Workplace Violence policy is also considered a Hate Crime, both procedures will be adhered to.

## WORKPLACE VIOLENCE PROGRAM

### 1. Definitions

Workplace is defined as any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment with the College.

Workplace violence is defined as any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment. For purposes of this policy, workplace violence includes such conduct as:

- Verbal or physical threats of physical injury
- Intentional displays of force which cause an employee to fear bodily harm
- Intentional and wrongful physical contact, without consent, that results in injury
- Stalking an employee with the intent to cause fear of physical harm, if such stalking arose in the course of employment
- Any other behavior that causes others to feel unsafe to include such things as usage of the internet or other electronic media for these purposes (cyber-bullying or cyber-stalking) including but not limited to: harassing, teasing, intimidating, or threatening another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs.

Imminent danger is defined as any condition or practice in any place of employment such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through other enforcement procedures.

For purposes of this policy, acts of harassment are generally covered by other College policies as well as the New York Penal Law (see NCCC Policy Manual on harassment). Individuals who feel they have been harassed are advised to seek guidance and information from Human Resources, Student Services or any member of the College Community they feel comfortable approaching.

### 2. Responsibilities

The Vice President of Operations has overall responsibility for the implementation of the Workplace Violence Program and for responding to the recommendations on the management and implementation of this policy from the Risk Assessment Team.

The Director of Human Resources is responsible for ensuring this policy is distributed to the campus community through appropriate channels and to all new employees.

Supervisors are responsible for ensuring all members of their staff to include volunteers are aware of this policy.

Employees are responsible for being familiar with and adhering to this policy. Students are responsible for acting in accordance with the Student Code of Conduct. The Business Services department is responsible for informing vendors of this policy. Vendors are responsible for adherence to this policy to include communicating such policy to their employees/representatives. Every member of the campus community (employees, students, volunteers and visitors) are expected to report any incident to the appropriate official immediately.

3. Risk Assessment Team – A Risk Assessment Team is formulated to implement a Workplace Violence Program and respond to incidents.

#### Composition

- Vice President of Operations
- Chief of Campus Public Safety/Peace Officer ○
- Assistant Director of Human Resources
- Two members from the Campus Safety Advisory Committee
- Assistant Director of Student Housing Village
- Other individuals as deemed appropriate by each situation

4. Purpose

- Ensure the workplace hazard assessment is conducted annually
- Institute engineering controls to better protect employees and students
- Ensure minutes of meetings, incident reports, workplace surveys and planned corrective action, and disciplinary action reports are documented and maintained on file
- Ensure the necessary assessment and awareness training and education is provided
- Annually review the hazard assessment survey and incidents of violence and make recommendations for changes to this policy or program.
- Be involved in situations as dictated by the degree and nature of the circumstances

5. Investigations of Allegations of Violence or Threat of Violence

Allegations of violence or threats of violence will be investigated in a timely and thorough manner by the appropriate member of the Risk Assessment Team or designee depending on the circumstances of the reported allegations.

Investigations will be conducted confidentially to the extent that only those parties who have a definite need to know or be involved in the investigation will be included.

6. Hazard Evaluation and Assessment

The College's Campus Safety Advisory Committee will conduct the hazard assessment survey of college facilities and grounds annually and make recommendations to the Risk Assessment Team. The hazard assessment survey shall become a written record used by the risk assessment team to develop a plan to reduce and eliminate identified hazards.

Employees wishing to file a complaint when they believe a serious violation of this workplace violence program exists or that a workplace violence danger is imminent may file a written complaint to the Vice President of Operations, Room 153, Building G.

7. Annual Training



Training on workplace violence prevention is required for all employees at time of hire and annually thereafter.

Re-training of affected employees is required when significant changes to the workplace violence program occur and at least annually if no changes occur.

#### 8. Assistance and Support

The College will provide assistance and support to members of the college community as needed and as appropriate following a workplace violence incident or where there is a concern regarding the potential for workplace violence.

- The College's Wellness Center is available to assist students or employees who have been a victim of an act of violence.
- The Human Resources office is available to assist persons needing guidance regarding any problematic employee behavior.
- The Office of the Vice President of Student Services is available to assist persons needing guidance regarding any problematic student behavior

#### 9. Sanctions

Each situation is different and will be handled on a case-by-case basis.

Appropriate disciplinary measures will be in accordance with the provisions of the Student Code of Conduct, relevant collective bargaining agreements, or conditions of employment as applicable.

Determination of any action that involves someone other than a student or employee will be made after consultation with relevant agencies, companies, or departments by the College.

## **SECTION 3. ACADEMIC AFFAIRS**

### **3.1 - PERSONS WITH PRIOR FELONY CONVICTIONS**

#### Policy Statement

The State University of New York (“SUNY”) was founded to provide the people of the State of New York with broad-based access to high-quality educational services. It is in the interest of the State to facilitate the admission of individuals with previous criminal convictions because improved access to higher education can enhance public safety by reducing recidivism and facilitating successful reintegration into society. Such efforts must be balanced with reasonable actions to protect the safety of the campus community.

In accordance with SUNY-wide policy, NCCC prohibits admission applications from inquiring into an applicant’s prior criminal history. After an applicant has been accepted as a student, NCCC shall inquire if the student previously has been convicted of a felony if such individual seeks campus housing or participation in clinical or field experiences, internships, or study abroad programs. A campus committee consistent with the legal standards articulated in New York State Corrections Law shall review the information required to be disclosed pursuant to this policy regarding such felony convictions.

#### Reason for the Policy

SUNY policy prohibits all SUNY campuses, including Niagara County Community College, from inquiring into an applicant’s prior criminal history in admission applications.

#### Who Should Read This Policy

All prospective NCCC students

#### Who Is Responsible For This Policy

Career and Internship Services  
Enrollment Management  
Members of the Standing Committee  
Campus Housing

#### Policy Text

##### A. Definitions:

**Covered Activity:** A covered activity for purposes of this policy includes:

1. Participation in campus **housing / residential life**;
2. Participation in **study abroad**, defined as education that occurs outside of the country that results in progress toward an academic degree; and
3. Participation in an **internship**, defined as an applied learning experience for which the student may earn academic credit in an agreed-upon, short-term, supervised workplace activity, which may be related to the student’s major field or area of interest. The work can be full or part time, on- or off-campus, paid or unpaid. This does not include internships arranged directly by students that are not sponsored or provided by NCCC (e.g., summer internships not part of an academic program or for academic credit).
4. A **covered activity** would also include participation in a **clinical or field experience**, meaning experiences that include hands-on application of academic theories in an off- campus setting. These experiences are either required as part of

an academic program or otherwise sponsored by the campus, typically in medical, social work, teacher education, and research programs.

5. **Felony Conviction:** A felony conviction means a conviction or acceptance of a plea to any felony-level crime, defined as a crime for which one could be sentenced to more than one year in jail or prison in New York State or in another jurisdiction where the student is charged with commission of the crime, even if the crime would not be a felony within the state of New York.

## B. Overview and Notice to Students

Consistent with SUNY policy, NCCC will not inquire into criminal history in admissions applications. Instead, NCCC asks about criminal history only when a student seeks to participate in a covered activity.

After acceptance, NCCC shall ask whether a student has previously been convicted of a felony at the time the student seeks to participate in a covered activity. A student who discloses a prior felony conviction is not automatically barred from participation in a covered activity. The student will be required to disclose information regarding the felony convictions for review by a standing committee at NCCC, consistent with the legal standards in the New York State Corrections Law. The committee may approve participation in covered activities with or without conditions or may deny participation in covered activities.

Students who have previously been convicted of a felony are advised that their prior criminal history may impede their ability to complete the requirements of certain academic programs. At NCCC, some academic programs require the completion of an internship, but in some cases this requirement may be fulfilled by substitute academic work.

Students who have questions or concerns about academic requirements are advised to contact the Program Coordinator of their intended academic program.

NCCC will provide notice of this policy in written and web-based programmatic and recruitment materials, course catalogs, and similar publications. This information shall also be incorporated as a regular part of the College's academic advisement program.

## C. For Students Who Disclose a Felony Conviction

A student who discloses a prior felony conviction is not automatically barred from participation in a covered activity. Students will instead be required to submit information regarding the prior felony conviction to a standing committee at NCCC, described in more detail below. The committee will evaluate the relevance of the conviction to the covered activity sought by the student using standards set forth in New York State Corrections Law Section 753 of Article 23-A. They are:

- a. The public policy of this state, as expressed in [the New York State Corrections Law], to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- b. The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- c. The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on the individual's ability to perform one or more such duties or responsibilities.
- d. The time elapsed since the occurrence of the criminal offense or offenses.
- e. The age of the person at the time of occurrence of the criminal offense or offenses.
- f. The seriousness of the offense or offenses.
- g. Any information produced by the person, or produced on his behalf, concerning rehabilitation and good conduct.

- h. The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the public.

A student who discloses a prior felony conviction may not be provided access to, or otherwise participate in, a covered activity (including campus housing) until the campus committee has reviewed the conviction and authorized the student's participation in the covered activity.

#### D. Membership of the Standing Committee

NCCC's President will appoint one representative from Enrollment Management, Student Success, and the Department of Public Safety to serve on the standing committee to review student felony convictions. The President will also appoint each of NCCC's Division Chairpersons to serve on the committee on an ad hoc basis. The Division Chairperson who shall serve on any specific meeting of the committee shall be the Division Chairperson of the student whose criminal history is being reviewed (e.g., the Division Chairperson of Nursing shall serve on any meeting of the committee involving review of a Nursing Student).

The President has further designated the director of Public Safety (or designee) to serve as NCCC's liaison with the NYS Department of Correctional Services Division of Parole and the Office of Probation and Correctional Alternatives (or equivalent agencies for another jurisdiction) and any local parole or probation offices.

#### E. Information Considered By the Committee

The committee shall request and review the following types of information:

- A copy of the student's unsuppressed, official criminal history record from the New York State Department of Criminal Justice Services (or the equivalent agency for another jurisdiction); and
- For students on parole or probation status, report(s) and reference(s) from the applicants Department of Correctional Services Division of Parole or the Office of Probation and Correctional Alternatives (or equivalent agencies for another jurisdiction). The reports/references shall include the name and addresses of parole or probation officers. Parole and probation officials should be questioned as to whether the individual's admission as a student or participation in the activities/services requested are consistent with the student's parole or probation conditions or would pose a threat to the safety of the campus community.

The committee may also request and review the following types of information:

- A personal interview may be conducted to either clarify or verify information, if desired by the committee; and
- Additional personal references from counselors, current or past employers, religious advisors, etc., submitted at the student's discretion.

The student is responsible for ensuring timely submission of information, and failure to do so may result in a delay or preclude participation in a covered activity. The committee may defer decision on the student until all necessary information is received. All information submitted shall be maintained in a secure, confidential manner with access restricted to the campus committee members and other staff with legitimate business needs for such information. Records will be retained for six years after graduation or the last date of attendance.

#### F. Procedures

Committee Review Process:

Where a student discloses a felony conviction in an application to participate in a covered activity, the committee shall promptly, and no later than 10 business days from the disclosure, request information from the student. The committee will set a deadline for its receipt of the information, taking into account the timing and needs of the covered activity, but generally no later than 10

business days from the date of the request.

Once the committee has received all requested information, the committee will attempt to complete its review as soon as practicable and no later than 10 business days after all information has been received.

After reviewing all available information, the committee will decide by majority vote whether to grant or deny the student's admission or participation in the covered activity requested or to grant such admission/participation subject to specific conditions. Admission and/or participation in covered activities may only be denied if such admission/participation would pose an unreasonable risk to property or the safety or welfare of specific individuals or the public. The decision of the committee is final and is not subject to appeal or further review.

Because participation in each type of covered activity may present different considerations and concerns, a student who has disclosed a prior felony conviction must undergo committee review upon each application to participate in a covered activity. For example, a student who is approved by the committee to live in campus housing will be required to undergo committee review when the student later seeks to participate in an internship. The committee may, in its discretion and taking into account the nature and timing of the application, determine whether to require additional submission of information before reaching its decision.

### 3.2 - ACADEMIC FREEDOM

Niagara County Community College is committed to the concept of academic freedom. The purpose of this policy is to aid in the fostering of this freedom by defining its guidelines.

It is the policy of the college to maintain and encourage full freedom within the law, of inquiry, teaching and research. In the exercise of this freedom the faculty member may, without limitation, discuss his or her own subject in the classroom; he or she may not, however, claim as his or her right the privilege of discussing in his or her classroom controversial matter which has no relation to his or her subject. In his or her role as citizen and faculty member he or she has the same freedoms as other citizens. He or she should be mindful, however, that in his or her extramural utterance he or she has an obligation to indicate that he or she is not an institutional spokesman.

### 3.3 - ACADEMIC GRIEVANCE

As a public higher education institution, NCCC shall afford each student\* due process regarding an academic concern. As it is difficult to indicate the specific type of concern for which a student could legitimately institute an academic grievance, each concern shall be handled on an individual basis. All students are entitled to fair treatment. However, the following are non-grievable: admission and retention standards for a program and grading criteria established by an instructor.

In general, conditions under which a student could initiate an academic grievance and seek redress of a concern include if the student believes:

1. That an academic policy(ies) of the college or Division was violated, misinterpreted, or applied in an inequitable manner.
2. She/he was evaluated in a manner which was prejudiced, capricious, or unjust.

No adverse action shall be taken against a student for filing a complaint about an academic concern(s).

\* See Academic Grievance Procedure in the "Student Rights and Responsibilities" Handbook.

### 3.4 - ACADEMIC INTEGRITY

1. Honest participation in academic endeavors fosters an environment in which optimal learning can take place and is consistent with the college's Mission. Academic misconduct is destructive to the spirit of an educational environment and therefore cannot be condoned. The following definitions will apply:
  - a. The term "cheating" includes but is not limited to use of any unauthorized assistance in taking quizzes, tests or examinations; dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; the acquisition without permission of tests or other academic materials belonging to a member of the college's faculty.
  - b. The term "plagiarism" includes, but is not limited to, the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
  - c. The term "academic misconduct" includes any or all forms of the above.
2. Unless an instructor has provided students with an alternative academic integrity policy at the start of the semester, the college policy that follows will apply:
  - a. For the first incidence of academic misconduct in a course, the student will receive an F grade (or zero) for the test, assignment, or activity.
  - b. if there is a second incidence in the same course, the student will receive an F for the course.

The instructor who believes that an incidence of academic misconduct has occurred will discuss it immediately with the student. If, in the judgment of the instructor, the student has committed an act of academic misconduct, or if the student admits that there has been misconduct, the instructor will assess the appropriate penalty.

Instances of admitted or proven academic misconduct should be reported in writing to the Vice President of Academic Affairs. The purpose of this reporting will be to track individuals who have repeated incidences. If such a pattern of behavior is found, the Vice President of Academic Affairs will determine an appropriate sanction on a case by case basis.

Students who think they have been treated unfairly may invoke the Academic Grievance Procedure.

### 3.5 - ACADEMIC FOUNDATIONS REQUIREMENTS

In order to ensure that all matriculates of the college possess those basic skills necessary for an individual to successfully conduct college level studies, a basic skills competency criteria policy is established.

1. Academic Foundations Waiver and Testing Policy
  - a. Students will be placed according to a series of waivers. All students that do not meet one of the waiver criteria, or that lack the information required to be waived,

will complete competency testing in reading, writing, and / or mathematics prior to matriculation into a degree or certificate program. Waiver criteria can be found on the college website: <http://www.niagaracc.suny.edu/testing/>.

2. Academic Foundations Course Registration/Course Load Limitation

- a. All Students who fail any one Academic Foundations Test are required to register for the appropriate Academic Foundations course during the first semester of matriculated status.
- b. All students who fail any two Academic Foundations Tests are required to register for the two appropriate Academic Foundations courses during the first semester of matriculated status and are restricted to a course load of thirteen (13) credit hours.
- c. All students who fail all three Academic Foundations Tests are required to register for the three Academic Foundations courses during their first semester of matriculated status and are restricted to a course load of no more than thirteen (13) credit hours.
- d. Students must register the following semester for any Academic Foundations course that was not successfully completed during the previous semester. Students are expected to fulfill all expectations as above in numbers 1, 2 and 3.

3. Developmental Semester for Remedial Students

- a. Students who fail all three Academic Foundations tests are required to matriculate into a curricular option which will provide a full semester of developmental course work. In addition to course work in reading, writing and math, students may register for a maximum of three (3) additional hours chosen from existing or newly developed courses. No student may enroll in the Developmental Semester more than one semester.
- b. Students enrolled in the Developmental Semester must pass at least one (1) Academic Foundations course at the end of one semester in order to be accepted as a matriculated student in any curriculum.
- c. Students enrolled in one or two foundation course(s) must pass the foundation course(s) after a maximum of two consecutive attempts or face academic dismissal.

### 3.6 - CREDIT FOR PRIOR LEARNING

Niagara County Community College recognizes that learning does not always take place in a classroom setting. Many adults have acquired college-level learning through life or work experiences since leaving high school. Awarding college credit for prior learning acknowledges and validates competency, knowledge and skills acquired through non-classroom experience. The purpose of this policy is to establish guidelines for the recognition of experience-based learning.

1. Undergraduate credits may be earned for prior experience-based learning which is judged to be college-level and can be evaluated by NCCC faculty.
2. Students may earn credit for prior learning at NCCC through the follow means: student-prepared portfolios evaluated by faculty, department-prepared challenge exams, or standardized college equivalency exams.
3. College-sponsored Challenge Exams are graded S/U only and are restricted to 14 credits for degree programs and 7 credits for certificates.
4. Portfolio and Standard College Equivalency Exams (CLEP) are treated as transfer credits and subject to the college's transfer policy limit. No more than 50% of the credit for a degree or certificate may be transfer credit.
5. The College will provide necessary support for students in translating experience into

- learning outcomes and for assessment by faculty.
6. Students may be charged a fee to cover the costs of administration and assessment of prior learning documentation.

### 3.7 - FACULTY SENATE

In order to provide an instrument through which faculty, administrators, and students can discuss matters of general college interest and make recommendations concerning such matters to the President, a forum should be established. The purpose of this policy is to authorize the formation of such an organization and establish guidelines for its formation.

1. A College Faculty Senate shall be established at the college. A membership shall consist of representatives from the college Faculty, Administration and Student Body.
2. The format of the University Faculty Senate of the State University of New York, where applicable, shall be used as the guidelines for the college Faculty Senate formation.
3. Approval of the Faculty Senate By-Laws and amendments thereafter, by the Board is required.

### 3.8 - FULL OPPORTUNITY REPORT

Being in the forefront of efforts toward better public education, the nation's community colleges have a special mission to ensure that segments of the community that have been historically deprived of opportunity for higher education be provided with that opportunity in every aspect of college operations.

To that end, Niagara County Community College participates in the State University of New York's full opportunity program, which provides that a plan be submitted by the college in accord with the criteria of 8 NYCRR 603.5. In compliance therewith, this Full Opportunity Report has been drafted to formalize the college's commitment to this special mission.

### 3.9 - CONFERRAL OF PROFESSOR EMERITUS

The extension of the title of Professor Emeritus or Emerita is understood to be the highest honor that can be bestowed upon a faculty member after retirement.

Emeritus status is awarded to retired faculty who have attained the rank of full professor, have served the college for a period of not less than fifteen (15) years continuous service and have distinguished themselves in service to the college and its students.

Emeritus status is an honor, not a right. Appointment to emeritus status is not automatic. Retirees must present documentable evidence of exemplary service.

#### PROCEDURE

Simultaneous with the submission of their Notice of Retirement to the Office of President, those retirees requesting Emeritus consideration will provide within 6 months, to the Vice President of Academic Affairs:

- A cover letter requesting consideration for Emeritus status.
- A one-page summary of their contributions, achievements, accomplishments, and/or service.
- Two (2) letters of recommendations from current colleagues who are familiar with and can attest to these contributions and achievements.



The President receives Emeritus recommendations and supplemental materials from the Vice President of Academic Affairs and forwards his/her recommendation to the Board of Trustees.

### PRIVILEGES

Upon obtaining a new photo ID card showing Professor Emeritus status from the campus public safety office, retirees are eligible for the following:

- Faculty parking privileges

- Continued inclusion of name and title in the College Catalogue

- Free admission to selected college productions and presentations

- Preference in staffing adjunct course sections, with approval of Division Chair

- College Emeritus I.D. for full privileges in the NCCC Library and through it, to the larger SUNY Library System

- Free use of selected Health/Physical Education facilities

- Campus publications and notices of special events

Invitation to participate in appropriate campus seminars, colloquia, lectures, and other scholarly activities as either contributor or attendee.

## **SECTION 4. FACILITIES**

### **4.1 - AMERICAN FLAG**

In accordance with Section 418 of the New York State Education Law the Flag of the United States will be displayed continuously. The raising and lowering, treatment and storage of the flag is the responsibility of the Public Safety Department. The flag shall be handled with respect and dignity. It must be kept clear of the ground or floor when handled or displayed and stored in a manner to protect it from soiling, damage and abuse. When torn or no longer usable, it shall be disposed by burning or other dignified means. No object or emblem of any kind is to be placed on or above the flag.

Half-Staffing the Flag will occur when directed by College Presidential Proclamation; New York State Governor Proclamation; President of The United States of America Proclamation; or at the discretion of the college President for the following:

1. A past or present President of the United States dies.
2. A Governor of New York State dies.
3. A Member of the Niagara County Community College Board of Trustees dies.
4. A person presently employed full-time by Niagara County Community College dies.
5. A student presently in full-time attendance at Niagara County Community College dies.

### **4.2 - BOMB THREATS**

In order to ensure the maximum safety of College personnel and the general public, consistent with prudent measures to protect facilities, the college establishes these procedures to guide personnel in their conduct in the event of a bomb or disaster threat.

#### **Step I: Alert**

- a. Immediately upon receiving a bomb threat call, the switchboard operator or other recipient of such a call will contact Public Safety. The recipient should have gathered their information on the orange "Bomb Threat" card.
- b. Public Safety will thereupon contact the Niagara County Sheriff's Department, which will then institute the predetermined procedures.
- c. Public Safety will then contact the President of the college and the Vice President of Operations.

#### **Step II: Evacuation**

- a. Upon receipt of a bomb threat, and if time permits, Public Safety, Facilities, and Maintenance personnel will make a visual check of areas to be used as evacuation routes prior to evacuation. Such areas include corridors, stairwells, restrooms, exterior doorways, and outer areas by exit and entrance doors.
- b. Public Safety, Facilities, and Maintenance personnel will then guide evacuation in accord with posted evacuation procedures, taking care to prevent evacuation on the east side of the buildings near the boiler room.
- c. Evacuation will be the objective in the event of a bomb or disaster threat, such evacuation to be announced as a "disaster drill" accompanied by the fire alarm.
- d. Evacuated personnel will remove themselves a minimum of 300 feet from College buildings, taking care not to block entrance ways, driveways, or fire lanes and congregate at the "Red" gathering signs located in the campus parking lots.
- e. The President or his or her designee will make the decision as to the time frame for evacuation and re-entering.
- f. Prior to evacuation, faculty and staff should consider the possibility of a visual search of their

work area, pursuant to Step III.

#### Step III: Search

- a. Prior to evacuating the premises, College personnel are asked to make a visual survey of their work area and nearby premises for any unusual devices, packages, or other objects.
- b. If such an object is discovered, it is not to be removed or examined. Personnel making such a discovery should immediately contact the switchboard by telephone. The switchboard will be maintained by Public Safety.

#### Step IV: After Evacuation

- a. Public Safety, Facilities, and Maintenance personnel, along with any faculty or staff at their option to participate, will conduct a comprehensive search of the entire complex.
- b. Discovery of any unusual or suspicious objects is to be handled as in Step III above, with measures also undertaken to (1) mark the area and observe the location so as to inform the technician, (2) evacuate all personnel from proximity to the area, and (3) contact the switchboard and leave the area.
- c. Upon discovery of such a suspicious object, further measures rest exclusively with Security and appropriate law enforcement technicians.

### **4.3 - CLOSED CIRCUIT TELEVISION MONITORING**

Closed Circuit Television Monitoring and Recording of Public Areas for Safety and Security Purposes

#### Purpose

The purpose of this policy is to regulate the use of closed circuit television (CCTV) cameras to monitor and record public areas for the purposes of safety and security.

#### Scope

This policy applies to all NCCC personnel, and property of the College in the use of CCTV monitoring and recording. Legitimate uses of this technology are covered by College policies governing the proper use and restrictions of this technology.

#### General Principles

1. Public Safety, under the guidance of the Chief of Campus Public Safety and Vice President of Operations, is committed to enhancing the quality of life of the campus community. A critical component of a comprehensive security plan is using technology; including closed circuit television (CCTV).
2. The purpose of CCTV monitoring of public areas by Public Safety personnel is to deter crime and to assist the Public Safety Department in protecting the safety and property of the College community.
3. Video monitoring for security purposes will be conducted in a professional, ethical and legal manner pursuant to Personal Privacy Protection Law (Public Officers Law, Article 6-A, sections 91-99). Violations of the Code of Procedures for video policy referenced in this policy will result in disciplinary action consistent with the rules and regulations governing employees of the College.
4. Information obtained through video monitoring will be used exclusively for security and

law enforcement purposes. Information obtained through video monitoring will only be released when authorized by the Chief of Campus Public Safety, Vice President of Operations, and appropriate administrative personnel according to the procedures established in this policy.

5. Video monitoring of public areas for security purposes will be conducted in a manner consistent with all existing College policies, [including the Non-Discrimination Policy, the Sexual Harassment policy].
6. Video monitoring of public areas for security purposes at the College is limited to uses that do not violate the reasonable expectation of privacy as defined by law [Personal Privacy Protection Law (Public Officers Law, Article 6-A, sections 91-99)].
7. Under no circumstances will Public Safety use the CCTV system to collect data on [To keep track of systematically with a view to collecting information] Staff, Faculty or Student work behavior unless there is a legitimate investigation pertaining to conduct contrary to the law, the Student Code of Conduct or College Policy. Any such monitoring or review must be accompanied by a written complaint, report, memo, email or any correspondence as to the nature, scope and level of action to be taken. All request/action and/or review must be made through the Chief of Campus Public Safety or his/her designee. The Chief of Campus Public Safety will seek guidance from all available sources including Human Resources as a measure to not violate College Personnel's rights in the workplace.

### Responsibilities

The Public Safety Department is authorized to oversee and coordinate the use of CCTV monitoring for safety and security purposes at the College. Public Safety has primary responsibility for disseminating and implementing policy and procedures.

The Chief of Campus Public Safety and the Vice President of Operations has the responsibility to authorize all CCTV monitoring for safety and security purposes at the College.

Public Safety will monitor new developments in the relevant law and in security industry practices to ensure that CCTV monitoring at the College is consistent with the highest standards and protections.

The Chief of Campus Public Safety will assure that the Department of Public Safety adheres to established policy and procedure in the use of CCTV and to review camera locations and request for release of video media.

The Chief of Campus Public Safety or a designee will review camera locations to ensure the perimeter of view of fixed location cameras conforms to this policy. The proposed location of permanent CCTV cameras will be provided to the Vice President of Operations for review before installation. The locations of temporary cameras to be used for special events will be reviewed by the Chief of Campus Public Safety or the Vice President of Operations for approval before the event if possible. (Note: "Temporary cameras" does not include mobile video equipment or hidden surveillance cameras used for criminal/policy investigations.) The Chief of Campus Public Safety will review complaints regarding camera locations and determine whether the CCTV monitoring policy is being followed. The Chief should weigh whether the potential increment in community security outweighs any likely infringement of individual privacy.

The Chief of Campus Public Safety, or the Vice President of Operations, will review all requests received by the Department of Public Safety to release recordings obtained through CCTV monitoring. All requests must be made in writing via a report, memo, email and must be in the realm of the Personal Privacy Protection Law (refer to 3G). All request/action and/or review must be made through the Security Director or his/her designee. No releases of CCTV recordings will occur without authorization by the V.P. of Operations or his/her designee. The V.P. of Operations or designee

may also approve release of CCTV tapes only for legitimate purposes, such as to protect the College and its members from lawsuits or harm. Any release of tapes will be recorded on a written log with a written Security Report addressing the release.

The Chief of Campus Public Safety or the Vice President of Operations may audit the Public Safety Department's CCTV monitoring operations, including video media storage, at any time without prior notice.

### Procedures

1. Public Safety personnel will assure that responsible and proper camera monitoring practices are used.
2. Public Safety will limit placement of camera positions and views of areas which may be considered private (i.e. offices, work stations, bathrooms, locker rooms).
3. Recorded video media will be stored for a period not to exceed 30 days and will then be erased, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Chief of Campus Public Safety or the Vice President of Operations.
4. Video media will be stored in a secure location with access by authorized personnel only.
5. NCCC personnel will not monitor individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability or other classification protected by the College Non-Discrimination policy. Camera control operators will monitor based on reasonable suspicion as defined by the U.S. Constitution (sufficient knowledge to believe that criminal activity is at hand) and on behavior, not individual characteristics.
6. Mobile or portable video equipment may be used in criminal investigations; this equipment will only be used in non-criminal investigations where there is significant risk to public safety, security and property as authorized by the Chief of Campus Public Safety.

## 4.4 - FACILITY USAGE

The physical facilities, equipment, and pertinent support personnel of the College may be made available to approved persons, groups, and organizations when such use does not conflict with routine College operations. The scheduling of such use will be completed in a way that ensures orderly and optimal use of these resources. The regulations and rates associated with such use will be designed to minimize the potential for injury or loss and partially or fully recoup the College's facilities operating costs. The College reserves the right to deny use of facilities to groups or for purposes which do not qualify under the anti-discrimination laws of the State or policies of the State University of New York. The College also reserves the right to deny or limit the use of facilities in accordance with Section 4.5 (Proselytizing and Solicitation) of this manual.

1. The priority of facility use will be:
  - Credit-bearing classes.
  - READY Sessions.
  - Non-credit-bearing classes.
  - Administration (including Foundation, College Association & employee bargaining units).
  - Intercollegiate athletics.
  - Intramural & recreational.
  - All other College-sponsored activities (including student activities).
  - External activities.

2. College-sponsored activities, whether conducted by the College or an independent entity (or a combination) are those that the college wishes to support because they facilitate the college's fulfillment of its mission. External activities are those which are not sponsored by the College and/or do not support fulfillment of its mission (other than to foster good employee or community relationships).
3. Employees of the College, the College Association, or the Foundation that require use of the facilities in order to conduct activities that are part of their normal responsibilities associated with credit-bearing, non-credit-bearing, administrative, intercollegiate athletics, or intramural and recreational activities are not subject to the requirements of the section titled "Independent Parties". Such use is considered routine College operation.
4. All other persons or organizations wishing to conduct activities involving the College's facilities, whether independently or in conjunction with College-conducted activities are subject to the requirements of the "Independent Parties" section. This includes:
  - a. Employees of the College, College Association, or Foundation seeking use of the facilities for personal functions.
  - b. Clubs, associations, or other organizations affiliated with the College, College Association or Foundation, or any of its employees that wish to use the facilities for events conducted by such organizations.

#### Independent Parties

Any persons or organizations wishing to use the College's facilities for functions or events that are not considered to be routine College operations (Independent Parties) must contact the Events Coordinator and work with the Coordinator so that a Facilities Reservation/Use form is completed at least 30 days prior to the time of the desired use. That form will identify the facilities to be used, when they are to be used, the College personnel that may be required to provide for safe and proper use of the facilities, the estimated billable cost associated with the use, etc. In the process of completing the form, the Coordinator will contact the appropriate representatives of any personnel or operations that may be impacted by, or be required to provide support, of the desired use (e.g., Division Chairs, Directors, etc.). Any scheduling conflicts, special needs, or concerns will be identified and resolved through these discussions.

Assuming all issues internal to the College can be resolved, the Facilities Reservation/Use form will be forwarded to the Vice President of Operations for review and approval. If approved by the Vice President of Operations, the form may be forwarded to the President to determine the extent to which any of the billable cost is to be waived. All the pertinent information, including estimated charges to be paid, will be used to draft a Facilities Usage Agreement (Agreement) that will be sent to the Independent Party for signature and return. A Child Protection Policy Addendum will also be required if any event participants are 17 years of age or younger. No requested use of the facilities under this section will be allowed unless this Agreement and any other documents or payments required by this agreement have been provided prior to said use.

The Agreement, among other terms and conditions, will provide for the following:

1. Compliance with other College policies - e.g., no alcoholic beverages (except as part of a function sponsored by Dining Services), no smoking in other than designated smoking areas, parking in accordance with College parking regulations, etc..

2. Language approved by the Niagara County Risk Management and Legal departments that provides the appropriate indemnification against liability for the College and the County.
3. Evidence of insurance, as required by Niagara County's Risk Management program.
4. The number of occupants allowed to use any room or facility will be limited to the appropriate safe and legal capacity of such room or facility.
5. The College shall employ its own qualified personnel for supervision, operation of College equipment and maintenance of facilities.
6. The College will furnish all facilities "as is". No alterations shall occur.
7. The estimated charges included in the Agreement are subject to change if actual usage varies from requested usage.
8. Sufficient advance notice of cancellation of an agreed upon event must be provided or the IP will be held responsible for estimated charges (or a portion thereof).

#### 4.5 - USE OF FACILITIES FOR RELIGIOUS SERVICES

Where there are generally no suitable facilities for religious services for College students or personnel in the near community, and where it is feasible to make campus facilities available on an impartial basis for services by all legitimate religious groups without College expense or inconvenience, it is permissible for the Board of Trustees to provide facilities for such services.

Campus facilities shall be made available only for religious services, prayer, or worship by legitimate religious groups consisting of College employees, students, or chaplains.

Members of the General public aside from the above shall not be permitted access to campus facilities for purposes of religious services or worship.

The College shall provide for purposes of religious services, prayer, or worship only the bare facility assigned, and there shall be permitted no further College expense, supplies, or other cooperation.

Proselytizing of religious ideas or philosophies shall be distinguished from religious services, prayer, or worship under this policy. Services, prayer or worship shall be defined as religious activity engaged in exclusively by members of the sponsoring group without the intent or effect of soliciting the interest of others outside the group or otherwise proselytizing religious ideas or beliefs to such others. Religious solicitation or proselytizing shall be governed by the college Policy regarding Proselytizing and Solicitation.

Violations of this procedure or of provisions of the NCCC Regulations for the Maintenance of Public Order shall result in the revocation of the right to conduct activity on campus, plus sanctions as provided by said Regulations.

#### 4.6 - ENVIRONMENTAL RESPONSIBILITY

Members of the NCCC College Community believe that our campus has an impact on the larger environment and that we have a responsibility to act as leaders in instituting environmentally sound practices at NCCC. Through education, the institution will strive to promote, throughout the college and surrounding community, understanding of our environmental responsibility. By example, through standards, policies, and procedures, the institution will demonstrate its commitment to sustain natural resources and to protect the environment.

All persons associated with NCCC are encouraged to:

- Reduce waste on campus.
- Reuse resources whenever possible.
- Recycle materials.
- Explore energy efficiency and implement a sound energy program.
- Purchase environmentally friendly products.
- Reduce the use of hazardous substances and ensure that proper handling and disposal be conducted for hazardous waste materials.
- Provide environmental education and awareness as part of our campus environmental policy.
- Place environmental issues on agendas for campus organizations as a forum for discussion and study.

Through these actions, NCCC confirms its commitment to respect for our environment now and for future generations.

#### 4.7 - FEDERAL HAZARD COMMUNICATION STANDARD AND NEW YORK STATE TOXIC SUBSTANCE ACT

Niagara County Community College fully endorses and supports compliance with both the Federal Hazard Communication Standard and the New York State Toxic Substance Act, "Right to Know". As such, all employees are required, within the scope of their job responsibilities, to ensure that such compliance is maintained.

The purpose of the Hazard Communication Program is to furnish employees with information pertaining to hazardous chemicals/substances that may cause or contribute to health problems. With this information and proper training, employees can participate in and support the protective measures instituted in the work place.

The Vice President of Operations is responsible for the college's compliance with the Federal Hazardous Communications Standard and the New York State Toxic Substance Act. Questions of compliance and formal concerns with these regulations and this policy are to be referred to the Maintenance Department. The Maintenance Department has been assigned the specific responsibilities of initiating and maintaining the College's compliance with the laws and this policy as well as acting in a consulting role to other department/management personnel regarding legal and policy requirements.

Legally required notices indicating an employee's right to know will be permanently posted in each of the college's buildings in areas frequented by employees.

#### 4.8 - PARKING AND TRAFFIC REGULATIONS

Niagara County Community College provides motor vehicle parking areas as well as a system of roadways enabling easy access from these areas to public thoroughfares. These facilities are maintained for the convenience of students, faculty, administration, staff, and visitors of the college. For the orderly use of these facilities and to comply with the requirements of the State University of New York, Department of Transportation, and the fire department, it is necessary to establish and publish traffic and parking rules and regulations. In accordance with Section 1001 of the Cambria Parking Regulations, Niagara County Community College has been designated this authority. Driving and parking on campus is a privilege granted by the college and revocable if said prescribed rules and regulations are not followed. These rules and regulations, in general, require courtesy and prudence in the operation of motor vehicles. Offenders are subject to tow-away and impounding of vehicles and/or disciplinary action.



All information relative to vehicular matters can be obtained in the Security Office. The Security Office will provide information explaining the parking regulations during all registration and orientation sessions.

All motor vehicles permitted to park in College Faculty/Staff areas must be registered.

All full-time College faculty, administration, and staff will be accorded permanent car registrations.

The Security Office must be notified within five (5) days of any change in vehicle registration, plate number, or residence.

#### 4.9 - POSTERS ON CAMPUS

The displaying of all posters on campus shall not be permitted without prior approval by the Coordinator of Student Life or designee with the authorization of the Vice President of Student Services or designee.

The Coordinator of Student Life or designee shall be responsible for granting posting permission for all co-curricular activities and all external activities that are of interest to the general College community.

The following procedures must be followed to obtain approval for the posting of information on campus:

- a. Announcements of upcoming events and meetings (i.e. College sponsored events, clubs, organizations etc.) must be posted in designated locations around campus on the metal hanging strips provided strictly for this purpose. Any other posting of materials on walls, doors, etc. will be removed.
- b. All materials for posting are to be submitted to the Student Life Office for approval. Once approved and stamped by the Student Life Office, materials will be returned to the club/organization for posting. Once the event has occurred, a Student Life staff member will remove the posting.
- c. Information related to academic departments and other offices on campus are to be posted only on bulletin boards located in their immediate areas.
- d. External organizations wishing to post information that is of interest to the general College community must get approval from the Student Life Office. Posting of such information is limited to designated areas.

The only political posters allowed to be displayed on campus are those for students campaigning for Student Government positions or information promoting voter registration.

No posters shall be displayed on College property that could be interpreted as a commercial use of the campus.

#### 4.10 - PROSELYTIZING AND SOLICITATION

Niagara County Community College is committed to insuring opportunity for the dissemination of political, philosophical or religious ideas, within the limits of the Constitution and consistent with reasonable regulation herein to minimize interference with other scheduled activities.

There shall be no use of College facilities for commercial activity, solicitation, or advertisement of any kind for purposes unrelated to official College functions.

Activities promoting or tending to promote political, philosophical, or religious ideas shall be permitted use of College facilities in accordance with the following procedure:

- Prior to the initiation of such activity on campus, the promoters thereof shall apply to the Vice President of Operations and/or designee for use of College facilities at least five business days prior to their intended appearance on campus. The promoters shall describe (1) their names and addresses, (2) the nature of the activity, (3) any individual or group which they represent, (4) the time during which they wish to use the facilities, and (5) any materials which they wish to display or distribute.
- Upon receiving an application to use campus facilities as above described, the Vice President of Operations and/or designee may deny or condition use of campus facilities in any manner consistent with the First Amendment to the United States Constitution.
- If granted, the campus facilities available for such activity shall be limited to a table located in the Student Lounge, at a spot to be determined by Student Activities personnel. Facilities will be provided only as space permits.
- Any materials or posters related to the activity may be displayed or made available only at the assigned table.
- Promoters of such activities shall conduct their activity from the assigned table and shall not solicit elsewhere on campus or in such a manner as to disturb other campus activities or obstruct authorized use of campus facilities by others.
- To this end, promoters shall heed the reasonable requests of College personnel as relates to the manner in which their activity is conducted.
- Violation of this procedure or of provisions of the NCCC Regulations for the Maintenance of Public Order shall result in revocation of the right to conduct activity on campus, plus sanctions as provided by said Regulations.

This Policy shall be construed consistently with the Policy Regarding Display of Posters on Campus in the NCCC Policy and Procedures Manual.

The College reserves the right to provide facilities to legitimate candidates for public office in the context of a College sponsored candidates' forum of similar event.

The College reserves the right to further restrict or prohibit on-campus proselytizing or solicitation as permitted under the First Amendment to the U. S. Constitution.

#### 4.11 - SAFETY AND SECURITY STANDARDS AND USE OF COLLEGE FACILITIES

In order to ensure the safety and security of persons while on campus, and the security of the physical plant itself, Niagara County Community College establishes reasonable guidelines for safety and security to which all personnel are expected to adhere in their use and operation of facilities and in their conduct therein.

To the extent practicable and applicable, the college adopts the provisions of the Federal Occupational Safety and Health Act, and the regulations issued hereunder, as a set of internal guidelines for minimum standards of safety and security, with the recognition that said provisions do not bind the college as a matter of law.

- a. All personnel are expected to adhere in their conduct and use of facilities to the standards adopted above. The Public Safety Office has enforcement responsibilities

therefore, and directives issued by that Office to enforce such standards shall be complied with.

b. Exceptions or modifications to the application of OSHA standards may be made by the President of the college upon report of such to the Board of Trustees. All such specific exceptions or modifications to otherwise applicable standards shall be appended hereto in this Manual.

c. In voluntarily adopting the standards of OSHA and relevant regulations, the College is in no way assuming any legal obligation or liability to conduct its operations in compliance therewith, such that this policy provides no source of private rights or claims.

## **SECTION 5. FINANCE**

### **5.1 - ANNUAL AUDIT**

In order to assure that the systems and procedures used to generate the Colleges financial reports contain sufficient control to produce materially accurate results, the President shall obtain an annual audit of the college's accounting records by an independent auditing firm. That audited annual financial report will be provided to the Board and to the State University of New York (SUNY) in accordance with its reporting requirements.

### **5.2 - DISPOSAL OF EXCESS EQUIPMENT**

When the College has deemed that excess equipment exists (including outdated computers, printers, terminals, desks, chairs, AV equipment, etc.), the College may dispose of such equipment as long as such disposal is in accordance with all applicable local, State or Federal laws and the current estimated value for each asset does not exceed \$25,000. Such disposal may be administered by the following means: auction, trade-in, transfer to a publicly-funded educational institution, donation to a not-for-profit entity with a common mission, or disposal. The determination of the method will depend on interplay of various factors – estimated value of the asset, condition of the asset, ease of transport, ability to leverage the value of the asset in some situations, etc.

The disposal of any individual asset deemed to be excess, but having an estimated market value exceeding \$25,000 is to be approved by the Board. The College's internal procedures for processing equipment dispositions are to be followed in all cases (whether approved by the Board or not requiring Board approval).

### **5.3 - GRANTS/FUND RAISING**

The College will actively seek funds through sources outside the College's annual operating budget including government and private grants. In order to keep these efforts consistent with the College's goals, to avoid duplicate outreach, to ensure proper recognition and to maintain correct records for state and federal reports, all external solicitation activity must be proposed in writing and approved by the Office of the President.

- The College shall encourage the obtaining of all grants that promote the objectives of the college.
- The College shall maintain all grant monies and transactions separately from the General Funds College's unrestricted funds.
- The Board of Trustees shall have the final authority on the acceptance of all grants offered to the college by outside funding agencies.
- All employees of the college shall be eligible to submit grant proposals through the Office of Grants.
- The College Business Office shall have complete audit responsibilities for all

- funds received as a result of grants.
- All original grant applications and award documents shall be maintained in the Office of Grants.

#### 5.4 - MINIMUM FUND BALANCE

In accordance with sound fiscal management and with the intent of maintaining sufficient financial resources to effectively respond to unexpected fluctuations in revenues or expenditures, Niagara County Community College shall maintain an unrestricted fund balance equivalent to a minimum of 10% to 25% of its unrestricted operating budget when proposing such budget to its local sponsor.

#### 5.5 - OPERATING BUDGET MANAGEMENT

The President is responsible for developing an annual operating budget. The proposed budget is to be presented to the Board with sufficient lead time so that the budget may be reviewed, adjusted as necessary, and approved by the Board at a time that will allow subsequent review and approval by both the local sponsor and the Trustees of the State University of New York (SUNY) in accordance with their required timetables. The budget need not be presented in full account detail, but sufficient account groupings shall be provided so the Board will be aware of how the funds are to be allocated. A schedule detailing the rates for tuition and all significant fees, as required by Title 8 of the NYCRR (codification of State law and State agencies rules and regulations associated with education), shall be submitted and approved as part of the budgeting process. Such schedule is then to be forwarded to SUNY for approval. The President will keep the Board apprised on the status of the budgeting process until the budget has been approved by both the sponsor and the SUNY Trustees.

The President and his/her designees are authorized to commit College financial resources as long as such commitments are consistent with the approved budget and would not jeopardize achievement/maintenance of the fund balance inherent in that budget. In order to monitor compliance with the budget, the Board is to receive monthly reports that compare year-to-date actual revenues and expenses to the full-year budget in a level of detail commensurate with the originally approved budget. It is recognized that unforeseen events will require periodic adjustments to the budget – either in the form of budget transfers (from one account grouping to another) or budget modifications (adjustment of total revenues, total expenses, or both). The President (or designee) is authorized to execute budget transfers of up to \$50,000 without Board approval (which will be reflected in the next subsequent monthly report). However, all budget modifications and any budget transfers greater than \$50,000 are to be approved by the Board before any related commitments are initiated.

#### 5.6 - PETTY CASH FUND

Small amounts of cash must be kept on hand for minor expenditures. Accordingly, the Board authorizes the establishment of a Petty Cash Fund of up to five hundred dollars (\$500.00) to be maintained by the Business Office. These funds shall be used for College business only.

#### 5.7 - PURCHASING

The following policy is established to meet the requirements of General Municipal Law, Section 104-b(1) – Procurement policies and procedures:

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys,

in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Board of Trustees of Niagara County Community College has adopted internal policies and procedures governing such circumstances (e.g., purchases below the dollar threshold requiring competitive bidding, emergencies, use of State contracts, sole source purchases, etc.). These internal policies and procedures apply to all officials and employees of NCCC involved in the procurement process.

In accordance with General Municipal Law Section 104-b(2)(f), the following individuals are identified as being responsible for the College's purchasing activities:

Patrice Elnicki - Interim Vice President of Finance and Information  
Technology Open – Director of Business Services  
Shelly Woodbury – Senior Account Clerk  
Rebecca Klamut – Account Clerk Typist

## 5.8 - REIMBURSEMENT OF TRAVEL EXPENSES FOR PROFESSIONAL POSITIONS

The College may reimburse candidates for full time administrative and faculty positions for travel expenses not to exceed: one night's lodging, meals for one day's travel, costs of public transportation or mileage for personal car at the prevailing College rate. Reimbursement is conditional upon the following: a candidate is not offered a position; a candidate is offered position and accepts. Any candidate who is offered a position and declines the offer will not be reimbursed for any expenses.

## 5.9 - STUDENT FEE BUDGETS

The Student Senate shall annually develop the budget for the expenditure of Student Activity Fees collected by the college and submit to the pertinent College offices for review and approval. After approval by these offices, the budgets are then forwarded to President for review and presentation to the Board of Trustees.

The Athletic Advisory Board shall annually develop the budget for the expenditure of Intercollegiate Activity Fees collected by the college and submit to the pertinent College offices for review and approval. After approval by these offices, the budgets are then forwarded to the President for review and presentation to the Board of Trustees.

The President shall transmit the approved budgets and any subsequently approved amendments to the College Association for implementation.

## 5.10 - TUITION AND FEES DEFERRAL

It is College policy that students are expected to pay all charges (e.g., tuition and fees, housing, meal plan, bookstore) to their accounts in accordance with the due dates established by the College for such charges. However, recognition is given to the fact, that for various reasons, certain students will be unable to pay their tuition and fees in this manner. In order to accommodate this condition, a deferral policy and related administrative operational guidelines have been implemented. The deferral policy is primarily intended to offer some convenience to students, and in no way exempts students from their tuition and fee liability to the college.

### a. Granting Deferrals

Deferrals may be granted to students whose tuition and fees will be covered by a financial

aid award or by a private or public agency. Any portion of tuition and fees not covered by the involved awarding agency must be paid by the student at the time that the associated payment is due.

Deferrals may be granted to students who sign up for the payment plan offered by the college.

Deferrals of tuition and fees may be granted to students when required by a public law.

Students will be granted deferrals only to the due date of their financial aid award or of their payment plan agreement. In cases where financial aid has been delayed beyond the control of the student, a deferral would be extended. For all other cases, once the due date has been reached and payment has not been received, then action will be taken as outlined in the operational guidelines for collection.

Students eligible for veteran benefits under Chapter 31 or Chapter 33 (in which tuition and fees are paid directly to the school) are eligible for a deferral in the amount of the benefit upon receipt of proof:

- Claim for benefits has been filed with VA
- Eligibility for benefits
- Entitlement for benefits

b. Official Withdrawal

Full tuition and fees and other charges will be required from students requesting and receiving a deferral regardless of whether or not the student ever attends classes. The only exception to this requirement will be when a student officially withdraws from the College during the refund period.

c. Collection

The collection of delinquent student accounts shall be the responsibility of the Vice President of Finance and Information Technology or his or her designee, assisted by the Director of Financial Aid. After exercising due diligence in collecting delinquent accounts, the Vice President of Finance or his or her designee shall assign said accounts to a collection agency for further action.

d. Disposition of Accounts

The responsibility for the final disposition of removing delinquent accounts from the college's financial records shall rest with the Vice President of Finance and Information Technology in consultation with the President.

e. Settlement of Accounts

Upon settlement of a student's financial obligation to the College, all services previously denied will be restored.

f. Veterans

Upon request by a student who is an eligible veteran, the payment of tuition and fees, less the amounts payable for such purposes from scholarships or other financial assistance awarded said veteran shall be deferred in such amounts and until such times as the several payments of veterans benefits under the Veterans Readjustment Benefit Act of

1966, as amended, are received by the Veteran, provided that the veteran has filed a claim for such benefits and presents to the community college proof of eligibility, extent of entitlement to benefits and the need for deferral until the receipt of such benefits.

Eligibility: All persons eligible for veteran benefits under Chapters 30, 31, 32, 35, and 106 of Title 38, US Code are also eligible for a deferral according to current procedures and subject to the exceptions below.

Exceptions: Deferrals will not be granted to otherwise eligible veterans when:

The veteran has an advance payment check at the college sufficient to cover tuition and fees.

The veteran owes money from a previous deferral.

The veteran has received non-progress grades from the previous semester (N,W,X,or I) which will result in an overpayment.

The veteran owes the Veterans Administration money which will be deducted from his or her checks.

## 5.11 - TUITION AND FEES REFUND

A student who is given permission to cancel registration shall be liable for payment of tuition and refundable fees in accordance with the Rules and Regulations of the State of New York, Code of Standards and Procedures for the Administration and Operation of Community Colleges, under the program of the State University of New York (Title 8, Parts 600-607).

## 5.12 - TRAVEL

The College recognizes the need for its employees to further their professional development or engage in College business outside the institution. Such activities might include continuing education, research, conferences, recruitment, placement, workshops, professional organizations and public relations.

Only College employees and members of the Board of Trustees (with a valid driver's license) will be permitted to requisition and drive College vehicles on occasions authorized in writing by their respective Division/Department Head and the Vice President of Finance and Information Technology.

Upon being authorized to use a College vehicle, the employee requesting that use shall not permit the use of said vehicle by any other individual or use the vehicle for any purpose beyond that which was authorized.

The Vice Presidents will be responsible for approving the expenditure of all travel funds by personnel working in their area of control. The President will be responsible for approving the expenditure of all travel funds by the Vice Presidents or others who report directly to the President. The Chair of the Board, or his/her designee, will be responsible for approving the expenditure of travel funds by the President.

## **SECTION 6. INFORMATION TECHNOLOGY**

### **6.1 - INFORMATION SECURITY POLICY**

#### Purpose

The purpose of this Information Security Policy ("Policy") is to define a set of security requirements that will help protect all members of the campus community from information security threats that could compromise privacy, productivity, and reputation. The Policy recognizes the vital role of information in support of the mission of the college and the importance of protecting information in all forms in order to foster a secure environment for the gathering, retention, and dissemination of college information.

The following are the primary goals of the Policy:

- to communicate campus responsibilities for the protection of college information to increase awareness of the importance of information security within the college community
- to manage the risk of security threats to the information resources of the college to
- provide and protect a secure environment for the gathering, retention, and dissemination of college information to develop effective mechanisms for responding to real or perceived incidents involving breaches of information security
- through the above, to assure the College's compliance with all federal, state and local laws and regulations pertaining to information security

#### Scope

This Policy applies to all employees, students, consultants, contractors, vendors and other persons who have access to college information. Compliance with this Policy is mandatory for this constituency.

This Policy encompasses all information systems, computer-based and non-computer-based, automated and manual, physical and non-physical, for which the college has administrative responsibility. This includes systems managed or hosted by third parties on behalf of the College. This Policy addresses all information used in support of the business activities of the college, regardless of its form or format. This Policy must be communicated to all staff and all others who have access to or manage college information.

#### **Policy:**

##### **Part 1 - Responsibilities**

**Senior Executive:** The President, along with the Executive Council, oversees the Policy's development, implementation and management, ensuring individual managers are assigned ownership and stewardship responsibilities for critical information assets and responding on behalf of the College.

**Information Security Officer:** The Chief Information Officer will serve as Information Security Officer and will have the following responsibilities:

- approve all external network connections to the college network
- establish an Information Security Committee to achieve the goals of this Policy and serve as its Chairperson

**Information Security Committee:** This committee will consist of key personnel from the Office of Information Technology Services, Security, Operations, Academic Affairs, Business Office, and Student Services. It will have responsibility for the following items:



- implement and maintain this Policy
- implement and maintain an information security training program
- implement and maintain an information security architecture to support this Policy approve implementation of new initiatives to maintain and enhance this Policy
- control the security of college information assets
- proactively monitor college information assets relative to potential security threats to investigate and respond to information security incidents
- to report information security incidents to senior administration
- to participate in the maintenance of a disaster recovery plan to insure the continuity of college business operations in the event that information systems become unavailable for an extended period of time
- to provide information security recommendations to senior administration relative to mitigating the risks associated with information security threats that could negatively affect college business operations

**Data Stewards: Data Stewards** will be identified for all information resources and will have responsibility for the following items:

- to classify the information resources within their area of expertise
- to determine the access rights and privileges for information resources within their area of expertise
- to communicate to the Information Security Officer the legal requirements for access and disclosure for the information resources within their area of expertise

**Information Technology Staff (IT Staff):** The Office of Information Technology will have the responsibility for the following items:

- to implement access rights and privileges in pertinent digital environments as defined by Information Experts
- to maintain digital user accounts and deactivate accounts upon separation from the college
- to provide computer network and server infrastructure necessary to support this Policy
- to implement back-up and recovery procedures for centrally-maintained digital information resources
- approve implementation of new digital information applications and services based on review of the compliance of these new applications and services with this Policy

**Department Managers:** to manage access to information resources under their control in accordance with this Policy and communicate deficiencies to the Information Security Officer.

**Employees:** All employees will have the responsibility to protect information resources and report any suspected information security incident to the appropriate manager and the Information Security Officer.

**Non-Employees:** All contractors, consultants, vendors, and other persons working under agreements with the college will have the responsibility to protect information resources and report any suspected information security incidents to the appropriate manager and the Information Security Officer.

**Students:** All students will have the responsibility to protect their own information resources and report any suspected information security incident to an appropriate manager or the Information Security Officer.

## Part 2 Information Classification

Data Stewards will be responsible for classifying information as Restricted, Private, or Public based on the consequences of loss, the legal or retention requirements, the sensitivity, and the value of the information. This classification process should include consideration of the confidentiality, integrity, availability, legality, privacy and retention properties of the information.

Restricted:

Definition: Protection of the data is required by law/regulation. The loss of confidentiality, integrity, or availability of the data or system could have a significant adverse impact on our mission, safety, finances, or reputation.

Restricted data is defined using the definition of private information in the [New York State Security and Breach Notification Act](#). *Restricted* data are exempt from disclosure/release under the New York State *Freedom of Information Law* (FOIL). The *Information Security Breach and Notification Act* requires the university to disclose any breach of the data to New York residents. (State entities must also notify non-residents, see the [New York State Information Security Policy](#).)

Examples:

- Social security number (SSN)
- Driver license number
- State-issue non-driver ID number
- Bank/financial account number
- Credit/debit card number (CCN)
- Protected Health Information
- Passport number
- Authentication credentials
- Documents protected by attorney-client privilege

Private:

Definition: Includes college data not identified as Category 3 Data, but includes data protected by state and federal regulations. This includes FERPA-protected student records and electronic records that are specifically exempted from disclosure by the [New York State FOIL](#).

Private data must be protected to ensure it is not disclosed in a FOIL request. FOIL excludes data that if disclosed would constitute an unwarranted invasion of personal privacy. Examples:

- personal information as defined by the NYS Freedom of Information Law (FOIL)
- personally-identifying information as defined by the NYS Information Security Breach and Notification Act and the NYS Disposal of Personal Records Law
- personal information defined in the NYS Personal Privacy Protection Law
- personally-identifiable information on students in education records as defined in the Family Educational Rights and Privacy Act (FERPA)
- personal information defined in the NYS Electronic Signatures and Records Act (ESRA) personally-identifiable financial information on customers in financial lending records as defined in the Gramm-Leach-Bliley Act (GLBA) with its associated Federal Trade Commission Safeguards Rule
- Personal, Private, and Sensitive Information (“PPSI”) as defined in New York State’s Information Security Policy (NYS IS Policy)
- personally-identifiable medical information as defined by the Health Insurance Portability and Accountability Act of 1996
- information classified as structural, operational, or technical information (about

- electric, natural gas, steam, water supplies, nuclear or telecommunications systems or infrastructure) as defined within “PPSI” in NYS IS Policy
- emergency and business continuity plans and operational documents information identified as private by this Policy

Public:

Public information is information that can be freely provided to anyone without any possible damage to the college.

All information will have a Data Steward established within the responsible functional area of the college. The Data Steward will be responsible for assigning the initial information classification of restricted, private, or public, and for making decisions regarding user access rights, user access privileges, and procedures for daily management of the information. The Data Stewards should conduct a periodic analysis of the value of the information based on the above criteria in order to confirm the current classification or to reclassify the information.

**Privacy of Information**

Restricted and private information must be maintained consistent with federal and state laws and regulations and with college policies. All college employees with access to private information must protect that information in accordance with federal and state laws and regulations and college policy. The college must maintain the following characteristics for private information:

- must be accessible only by authorized individuals
- must be corrected if incorrect information is known to exist
- must be removed or made inaccessible, if appropriate and if the individual makes this request consistent with federal and state laws and regulations and with college policies must be gathered in a manner consistent with federal and state laws and regulations and with college policies  
must be protected using computer based and non-computer based access controls
- must be retained for the longer amount of time as required by federal and state laws and regulations or as required by college policies and then, unless there is a pending court order, must be disposed of by physical destruction of the media on which the information resides or by erasing the information from the media in a manner that results in the information being totally unrecoverable
- must not be disclosed unless authorized or required by federal and state laws and regulations and by college policies

**Part 3 Information Security**

Information in any form or format that is created, acquired, or used in support of the business activities of the college is to be considered an asset. Information assets must only be used in relationship to the business activities of the college and must be protected from the time of creation, through useful life, and to the time of authorized disposal. Information assets must be maintained in a reliable and secure manner and must be readily available for authorized use. Information assets must be classified and protected based on the sensitivity of the information. Information is among the most valuable assets of the college. The availability and reliability of information assets are keys to supporting the business activities of the college. The security of information assets is the responsibility of all employees, students, consultants, contractors, vendors and other persons who have access to these information assets.

Each authorized user is obligated to preserve and protect college information assets in a manner consistent with this Policy. Information security controls described within this Policy provide the

necessary physical and procedural safeguards to achieve this goal. Information security management enables both the sharing and protection of college information assets. The Information Security Officer, the Information Security Committee, the Information Technology Staff, and Department Managers have the responsibility for insuring that appropriate controls are in place to preserve the security of these information assets.

### **Individual Accountability**

Individual accountability is the cornerstone of this Policy and is required when accessing all college information resources. The following are requirements for accessing information on college computer systems and networks.

- access must be provided through the use of individually assigned unique identifiers know as usernames
- associated with each username is a token known as a password that must be used in combination to authenticate the individual requesting access an individual must access only information for which he or she has a legitimate business interest
- an individual must be provided access to authorized information only after proper authentication with his or her username and password
- an individual must not share his or her username and password as each individual is responsible for protecting information against unauthorized access through the use of his or her username and password
- no individual should ever communicate a password using email or any other insecure means of communication

### **Department/Office/Division Accountability**

Each department, office and/or division will maintain a Workforce Inventory listing of which workers are active and have access to private information. This information will be updated annually and when needed by the Information Security Officer to conduct risk analysis and design information security education.

### **Security in Job Responsibilities**

The security responsibilities of employees and third parties must be documented. For employees, these security responsibilities should be included in job descriptions and for third parties these security responsibilities should be included in contracts. These security responsibilities will include general and specific responsibilities for protecting information and for performing tasks related to security procedures or processes.

Whenever an employee leaves employment, changes departments, or otherwise has changes in job function that makes obsolete access to private material, his or her supervisor will notify the Office of Information Technology of the change, specifically noting that the change requires a removal or review of the worker's authorizations.

### **Personnel Security Training**

Personnel with access to private information must be provided with specific information security training to insure knowledge of their security responsibilities to protect information and knowledge of college security policies and procedures to minimize information security risks. These same persons must additionally be provided with specific refresher training to maintain knowledge of current college security policies and procedures.

All employees must be provided with general information security training to insure knowledge of current college security policies and procedures.

### **Confidentiality/Integrity/Availability**

All information must be protected from unauthorized access to help ensure the confidentiality and

integrity of all information assets. Appropriate processes will be defined in the college's recovery plan and implemented to ensure the reasonable and timely recovery of all information, applications, systems and security regardless of computing platform, should that information become corrupted, destroyed, or unavailable for a defined period of time.

#### **Part 4 Reporting and Responding to Security Incidents**

Actual or suspected breaches of information security must be immediately reported by the involved person to the Chief Information Officer. "Breach" shall mean unauthorized acquisition or control of data without valid authorization of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a business. Persons must not attempt to prove a suspected security weakness or threat unless authorized to do so by the Information Security Officer, as testing a suspected security weakness or threat may have serious, although unintended, consequences. The Chief Information Officer will immediately conduct an investigation to determine whether there has been a breach of private information, to determine the nature and extent of such breach, and to correct the circumstances that that allowed or caused the breach of private data. During this process, all persons will be made aware of the procedures that should be followed to prevent any further dissemination of private information. The Chief Information Officer will work with the President, Senior Staff and college counsel to determine an appropriate and timely notification of potentially affected individuals and the agencies to which any such breaches are to be reported. At a minimum, the Information Security Officer will notify the involved person and his/her supervisor of the results of the investigation after the incident has been resolved and closed.

Actual or suspected information security software malfunctions, such as a virus not being detected, must be reported by the involved person to the Office of Information Technology. The event should be thoroughly described by the involved person when reporting this type of information security incident.

#### **Tracking of Security Incidents**

A formal system for tracking security incidents will be established. This system will include recording the description and resolution of the security incident. This information will be used to identify recurring or high-impact incidents in order to focus resources on decreasing or eliminating such types of incidents. Any incident which may have a significant or severe impact on operations or security will be reported to SUNY, New York State Police Intelligence Center, New York State Attorney General's Office Consumer Frauds and Protection Bureau and New York State Department of State Division of Consumer Protection per the New York State Information Security Breach and Notification Act.

#### **Part 5 Physical and Environmental Security**

Information processing and storage facilities for critical or sensitive information must be located in areas protected by a defined security perimeter with security control systems for accessing the facilities. These physical security mechanisms are intended to protect the facilities from unauthorized access, damage or interference and should be periodically tested to insure such protection. The college will review these and other locations on an ongoing basis to determine the need for additional physical mechanisms to reduce overall information security risks.

#### **Physical Security**

A breach of physical security threatens the integrity of college information assets. Physical security is achieved by creating physical barriers around the assets with each barrier establishing a security perimeter that requires a method of access to control entry. This security perimeter may be created with a staffed reception area, with a secured door, or with some other form of a physical barrier.

The college will perform analyses to determine the extent of the security perimeter necessary for each information processing and storage facility. The physical barriers necessary to create this security perimeter will then be implemented and maintained. A physical security perimeter will be established for information processing and storage facilities for critical or sensitive information, including the college data center and network wiring closets for data, security and telephone equipment and cabling.

Private information which is scheduled to be destroyed is to be stored in a locked container till which time the information is to be destroyed. The locked container shall be stored in a secure area at all times.

The protection of critical or private information contained on storage devices such as hard disk drives, either in personal machines or digital copiers, removable drives, thumb drives, magnetic tape media, or other digital storage devices is another important element of physical security. The disposal or reallocation of these storage devices must include a process to destroy or securely overwrite the device in order to prevent unauthorized disclosure of information. Proper management of critical or private information stored on/in non-digital media (e.g., paper, microfiche, etc.) is another important element of physical security. Such media must be protected from loss, theft or other inadvertent disclosure by storing in physically-secure locations that are accessible by only those individuals who have a valid college business need for the information. Once the information's retention period has expired, the media must be disposed of in a manner that will prevent inadvertent disclosure of its content.

### **Environmental Security**

Computer, data security and telephone equipment protection within physical security perimeters will require a level of environmental security. Special environmental systems for air conditioning and humidity control and for uninterruptable electrical power distribution will be maintained for information processing and storage facilities for critical or private information, including the college data center and major network wiring closets for data security and telephone equipment and cabling. Special environmental systems for backup electrical power distribution will be maintained for the college data center and major network wiring closets for data, security, and telephone equipment and cabling.

The protection of critical or private information visible on computer screens is another important element of environmental security. In public areas, computer screens should be faced so as to be visible only to the authorized user of the computer. In public and in all other areas, computer screens should use a screen saver with a screen saver password to insure that information is not displayed after a specified period of inactivity.

Computer equipment which has access to private information is only to be used by the authorized individual assigned to the computer.

## **Part 6 Communications and Network Management**

The college network will implement appropriate security controls to ensure the integrity of data flowing across these networks. If there is a business need, additional measures to ensure the confidentiality of the data will also be implemented. If the college decides to outsource an application to a third-party vendor, the Information Security Officer will ensure that measures are in place to mitigate any new security risks created by connecting the college network to a third party network and will have periodic security reviews performed to ensure compliance with this standard. All connections to the college network must be authorized by the Information Security Officer.

### **Network Management**

Minimally the below controls to prevent unauthorized access and use of the college network will be implemented:

- separate operational responsibility for networks and computer systems
- establish responsibilities and procedures for remote access implement special controls, when necessary, to safeguard the integrity and confidentiality of data passing over public networks

### **Vulnerability Scanning**

Computer systems that provide information through a public network will be subjected to vulnerability scanning. These systems will be scanned for vulnerabilities before being installed on the network and after any software or significant configuration changes have been made to the systems. Network components that are, or will be, part of the college network will be scanned for vulnerabilities when installed on the network and after any software or significant configuration changes have been made to the components.

The output of the scans will be reviewed in a timely manner by the Information Security Officer and any detected vulnerabilities will be evaluated and mitigated based on the level of risk.

The tools used for scanning of computer systems and network components will be updated periodically to ensure that recently discovered vulnerabilities are included in any scans. Scans of computer systems and network components will be performed at least annually to ensure that no major vulnerabilities have been introduced into the environment. The frequency of additional scans will be determined by the Information Security Committee, taking into account the level of previously detected computer system or network vulnerabilities.

Vulnerability scanning must only be performed by Information Technology Staff or by a third-party vendor authorized to perform vulnerability scanning by the Information Security Officer.

### **Penetration and Intrusion Testing**

Computer systems that provide information through a public network must be subjected to penetration and intrusion testing. The testing will minimally be used to determine the following

- if a user can make an unauthorized change to an application
- if a user can access an application and cause it to perform unauthorized tasks
- if an unauthorized individual can access an application and destroy or change data

Network systems that are directly connected to the public network must be subjected to the penetration and intrusion testing. The testing will minimally be used to determine the following:

- firmware and software are patched to prevent breaches
- hardware is properly configured to only allow approved connections

The output of the testing will be reviewed in a timely manner by Information Security Officer and any detected vulnerabilities will be evaluated and mitigated based on the level of risk.

The tools used for the testing will be updated periodically to ensure that recently discovered vulnerabilities are included in any testing. Testing of computer systems must be performed at least annually to ensure that no major vulnerabilities have been introduced into the environment. The frequency of additional tests will be determined by the Information Security Officer taking into account the level of previously detected computer system vulnerabilities.

Penetration and intrusion testing must only be performed by Information Technology Staff or by a third-party vendor authorized to perform vulnerability scanning by the Information Security Officer.

### **Acceptable use of Computer Systems and Networks**

Employees, non-employees and students must adhere to acceptable use of computer systems and networks as defined in the NCCCnet Use Policy.

### **External Connections**

Connections from the college network to external networks must be approved by the Information Security Officer after a risk analysis has been performed to ensure that the connection to the external network will not compromise the college network. Connections will only be allowed when the external networks have acceptable security controls and procedures or when the college has implemented appropriate security measures to protect the network resources of the college. Firewalls and access control lists will be implemented between the third-party and the college to achieve an appropriate level of protection. Any connections between college firewalls over external networks that involve sensitive information must use encryption to ensure the confidentiality and integrity of the data passing over the external network.

External connections will be periodically reviewed by the college to ensure that the security controls in place are functioning properly and that the business case for the external connection is still valid. Only authorized IT Staff and authorized third-party staff will be permitted to use tools to monitor network activity on external connections. Authorized IT Staff will regularly monitor external connections for abuses and anomalies.

### **Internal Connections**

Wired connections from devices that are not maintained by the college's IT staff to the college network must be approved by the Information Security Officer after a risk analysis has been performed to ensure that the connection from the device will not compromise the college network. Connections will only be allowed when the devices that are not maintained by IT staff have acceptable security controls and procedures to protect network resources of the college. These controls and procedures are to include, but are not limited to, firewalls and properly updating operating system and virus protection software. In addition to requiring the necessary controls in place, the devices will be segmented from the college's network segment.

Internal connections will be periodically reviewed by the college to ensure that the security controls in place are functioning properly and that the business case for the internal connection is still valid. Only authorized IT Staff and authorized third-party staff will be permitted to use tools to monitor network activity on internal connections. Authorized IT Staff will regularly monitor internal connections for abuses and anomalies.

### **Portable Devices**

Portable computing resources and information media must be secured to protect the integrity of private information. The use of portable computing resources such as laptops, notebooks, mobile smart phones, removable hard drives, flash drives, etc. must involve special care to protect private information. The following requirements, as applicable, must be followed when using such devices:

- when using portable computing resources in public and other unprotected locations external to the college, the use of encryption to protect the transmission of private information must be implemented and special care must be taken to protect against unauthorized persons viewing private information
- protection against malicious software on portable computing resources must be implemented and maintained at current levels
- private information is not to be stored on portable computing resources without whole disc encryption in place
- portable computing devices are not to be left unattended in public places
- when not in use, portable computing devices containing private information are to be physically secured, including, but not limited to, placing the device in an automobile's locked trunk instead of leaving the device in plain sight



- portable computing devices on which private information is stored must not be checked into transportation luggage systems and must remain in the possession of the traveler as hand luggage unless other arrangements are required by federal or state authorities

### **Telephones and Multifunction Devices**

Employees must adhere to the following guidelines when using telephones and multifunction devices both internal and external to the college to mitigate potential information security risks:

- care should be taken to prevent conversations involving private matters from being overheard
- avoid the use of mobile phones when discussing private information avoid leaving messages involving private matters on voicemail
- contact the recipient to ensure protection of a fax and verify the destination fax phone number when sending private information
- avoid using third-party, internet or wireless fax services to send or receive private information
- avoid using third-party copiers to duplicate material containing private information confirm that all attendees are authorized participants before starting any private discussions when chairing a teleconference

### **Wireless Networks**

Wireless devices and technology create new and innovative opportunities for providing instruction and conducting business functions of the college. However, everything that is transmitted on a wireless network could be intercepted by a person within the coverage area of a wireless transmitter. The following guidelines must be followed when implementing and using wireless networks:

- wireless network access points must not be installed without approval of the Information Security Officer and the installation must be done by an IT staff member
- suitable security controls, such as authentication, encryption and MAC address restriction must be implemented to ensure that wireless network access point cannot be exploited to disrupt college services or gain unauthorized access to college information
- private information must not be transmitted on a wireless network unless suitable security controls have been implemented and approved by the Information Security Officer

### **Public Web Servers and Public Web Sites**

The internet provides an opportunity for the college to disseminate information and provide interactive services quickly and cost effectively. However, because a public web server is accessible globally and provides a potential connection path to the college network, care must be exercised in the deployment of public web servers. An insecure public web server may be used to obtain private college information, disrupt college services, or assist in an illegal activity such as an attack on the web site of some other organization.

Public web site content must be approved by the Office of Public Relations. Content will be reviewed with consideration for copyright issues, for confidentiality, privacy and sensitivity, for accuracy and for any potential legal implications associated with providing the information.

If faculty, staff and students have the ability to create personal web pages, while the content of personal web pages not reviewed prior to posting on the college web site, the content of personal web pages is subject to compliance with the college's Web Policy, with federal and state laws regarding use of computers and electronic communications and with the NYS Office of

Technology Policy 99-3 titled Universal Accessibility for NYS Web Sites. No material included on personal web pages may violate any laws, including but not limited to, those regarding obscenity, harassment of others, and copyright infringement.

## **Part 7 Operations Management**

Operating instructions and incident response procedures will be established and documented for the management and operation of all information processing facilities. Procedures will also be established and documented for activities associated with information processing and communications facilities such as computer startup and shutdown, data backup and equipment maintenance.

### **Separation of Development, Test and Production Environments**

Development, test/train, and production computing environments must be separated either logically or physically. Procedures will be established and documented to implement the transfer of software from a development environment, through a test environment, and to a production environment. The following controls must be considered when establishing these separations:

- software and tools for development will be maintained in development environments isolated from production environments
- when not required, access to compilers, editors and other system utilities will be removed from production environments
- login procedures and environmental identification will be sufficiently unique between development, test, and production environments
- short term access controls will be in place to allow necessary staff access to correct problems

Developing and testing software could potentially cause serious problems to production environments if these environments are not appropriately separated. The degree of separation must be considered by the college to ensure adequate protection of production environments. The college must also consider a stable testing environment where user acceptance testing may be conducted without changes being made to the software being tested.

### **System Planning and Acceptance**

Planning for systems must be a comprehensive process to ensure the implementation of appropriate security measures and the availability of adequate resource capacity. The security requirements of new systems will be documented, implemented, and tested prior to acceptance of systems and will be regularly reviewed during use of systems. The processor, memory and storage requirements of systems will be monitored in order to maintain adequate resource capacity for current workload and to project requirements for future workload so that any potential system bottlenecks and related disruptions to the delivery of user services are avoided.

IT Staff and the Information Security Officer will ensure that the criteria for acceptance of security requirements are clearly defined, documented, and tested prior to new systems being migrated to a production environment and prior to existing systems being upgraded in a production environment.

### **Protection against Malicious Code**

All systems must be protected with appropriate controls to prevent and detect the introduction of malicious code that could cause serious damage to networks, servers, workstations and data and that could significantly disrupt the operations of the college. Employees and Non-Employees must follow NCCCnet Use Policy and report any suspected malicious code incident.

### **Software Maintenance**

All vendor software must be maintained at supported levels to ensure accuracy, integrity and supportability unless otherwise approved by the Information Security Officer. All college developed

software must have appropriate change management procedures to ensure that changes are authorized, tested and accepted prior to deployment in a production environment. All software security patches must be reviewed, evaluated and, as appropriate, applied in a timely manner to reduce the risk of security incidents that could affect the availability, confidentiality and integrity of systems, software or business data.

### **Information Back-Up**

Critical college data and software must be backed-up regularly. A risk assessment will be performed for all systems on which college data is stored to determine the criticality of each system and the appropriate amount of time for recovery of each system. In this process, the criticality of services provided by the system and the sensitivity of information on the system will be considered. Systems to be analyzed will include networks, servers, and workstations for critical systems. Processes will be developed to back-up and fully restore the data and software, including full restoration at an alternate location should that be necessary. Disaster recovery plans will be developed, implemented and periodically tested for all critical college systems. The results of testing will be documented and any detected deficiencies will be corrected in a timely manner.

### **System Security Checking**

Systems that provide critical services or store private information will undergo annual security reviews to ensure compliance with implementation standards and to identify security vulnerabilities to subsequently discovered threats. Any identified security vulnerabilities must be reported to the Information Security Officer and must be corrected by IT Staff. The appropriate Information Expert will be informed of the vulnerability and will initiate an investigation to determine if any private information has been compromised.

## **Part 8 Access Control**

Digital and physical access control mechanisms must be implemented in order to protect the availability, confidentiality and integrity of college information assets. The level of security provided by these mechanisms for each information asset should be commensurate with the criticality, sensitivity and privacy properties of the asset. Information Experts will be responsible for making decisions regarding user access rights and privileges based on job responsibilities of the user.

### **User Registration Management**

The college will establish a user registration management process to control the generation, distribution, modification and deletion of user accounts for access to information resources. The purpose of the process is to ensure that only authorized individuals have access to college applications and the information required in the performance of their job responsibilities. The user registration management process will include sub-processes for the following components:

- creating user accounts
- granting user account privileges
- removing user account privileges
- periodic reviewing of user accounts
- periodic reviewing of user account privileges
- assigning of new authentication tokens (password reset processing)
- removing user accounts

Information Experts must approve access rights (who should have access) and privileges (what access should be provided) for information resources within their area of expertise.

## **Privileged Accounts Management**

The issuance of privileged accounts for performing systems administration functions will be restricted and controlled because the inappropriate use of privileged accounts may significantly contribute to breaches of information security on systems. Processes will be developed to ensure that usage of privileged accounts is regularly monitored and that any suspected misuse of privileged accounts is promptly investigated. The passwords of privileged accounts used by more than one person will be changed on a regular basis.

## **User Password Management**

Passwords are a common means of authenticating the identity of a user to provide access to information systems. Password standards will be developed and implemented to ensure that authorized individuals accessing college resources are following proven password practices or rules. Whenever possible, these password practices or rules will be automatically required by system controls and will include, but not be limited to, following:

- passwords must not be stored in clear text
- passwords should not be subject to disclosure through dictionary attack or easily guessed passwords must be confidential and not shared with any other person
- passwords should be changed at regular intervals
- temporary passwords should be changed at the time of first logon
- initial passwords should be randomly assigned with a prompt for users to change them immediately upon login; ideally they should contain a mix of alphabetic, numeric, special and upper/lower case characters
- passwords should not be automatically included in any logon process

## **Network Access Control**

Access to the college internal network will require that users authenticate themselves through use of an individually assigned username and a password constructed to meet established standards. Network controls will be developed and implemented to ensure that authorized users can access only those systems and services necessary to perform their assigned job responsibilities.

## **Remote Access Control (User Authentication for External Connections)**

The college requires that individual accounts be maintained by Employees and Non-employees at all times, including during remote access, in order to maintain information security. Any access from an external connection to the college network is a remote access. Remote access to any on-campus college computer system must be authorized by the Information Security Officer. External connections to the college network will be established in a secure manner in order to preserve the integrity and availability of the network including the integrity of data transmitted over the network. Security mechanisms will be in place to control access to college systems and networks from fixed and mobile locations.

Connections from the college network to external networks must be approved by the Information Security Officer after a risk analysis has been performed to ensure that the connection to the external network will not compromise the college network. Connections will only be allowed when the external networks have acceptable security controls and procedures or when the college has implemented appropriate security measures to protect the network resources of the college from the external network.

The Information Security Officer must approve any external connection to the college network to ensure that the connection does not compromise the college network. This includes the use of a college computing device to establish an external connection and automatically report a problem or suspected problem.

Employees and Non-Employees must be authorized by college management to work from a remote location. Appropriate arrangements will be made through written policy and procedures to

ensure that the remote work environment provides adequate security for college data and computing resources, including protection against theft of college equipment, misuse of college equipment, unauthorized disclosure of college information, and unauthorized access to the college network or other facilities by anyone other than the authorized Employee or Non-Employee.

### **Segregation of Networks**

When the college network is connected to another network, or becomes a segment on a larger network, appropriate controls will be in place to prevent users from other connected networks access to sensitive areas of the college private network. Routers or other technologies must be implemented to control access to secured resources on the college private network.

### **Operating System Access Control**

Access to operating system code, commands and services must be restricted to those Employees who need this access in the normal performance of their job responsibilities. When possible, each individual will have a unique privileged account for their personal and sole use so that operating system activities are able to be traced back to a responsible person. When there is a clear business requirement or system limitation, a single privileged account for more than one individual may be used. In these cases, approval of the Information Security Officer is required and additional controls must be implemented to ensure that individual accountability is maintained.

When possible, the username of a privileged account should not reflect the privileged status of the account. Individuals with privileged accounts must have a second account for performing normal business functions such as use of the college email system.

### **Application Access Control**

Access to college applications and systems must be restricted to those Employees needing such access to perform their job responsibilities. Access to source code for applications and systems must be further restricted to those Employees and Non-Employees whose job responsibilities include direct support for the applications.

### **Monitoring Application Access and Use**

Applications and systems will be monitored to detect deviation from access control policies and to record events for evidence and use when reconstructing lost or damaged data. Depending on the nature of events, continuous or periodic monitoring may be appropriate. Audit logs recording exceptions and other security-relevant events that represent security incidents or deviations from policies will be produced and maintained to assist in future investigations and access control monitoring. When technically possible, audit logs will include the following:

- usernames
- dates and times for logon and logoff workstation location

## **Part 9 Systems Development and Maintenance**

The software for information systems is acquired or developed to support the business and instructional needs of the college. These information systems are critical to the operation of the college and must be protected from unauthorized access in order to prevent disruptions with their usage or tampering with their data.

Security must be built into all information systems used by the college. Security issues will be identified during the requirements phase of an implementation project and must be justified, agreed to, documented and presented as part of the overall business case for the implementation project. The Information Security Officer must be kept informed of all security issues during the entire implementation project.

Security requirements and controls must reflect the value to the college of the involved information and the potential damage that could result from an absence or failure of security mechanisms. This is especially critical for web and other online applications. The process of analyzing security requirements and identifying appropriate security controls must be performed by IT Staff and Information Experts, reviewed by the Information Security Committee, and approved by the Information Security Officer.

For information systems that are critical to college operations this process to assess threat and manage risk will include the following:

- development of a data profile to understand the risks
- identification of security measures based on data protection requirements  
implementation of security controls based on the identified security measures and the technical architecture of the system
- implementation of a process for testing the effectiveness of the security controls  
development of processes and standards to support system changes to support system administration and to measure compliance with established security requirements

### **Data Validation**

Data entered into an information system must be validated in order to detect data input errors and to ensure accuracy and correctness. When possible the data validation should be applied by the information system to ensure consistent and complete implementation of the rules for determining data accuracy and correctness. When not possible, college personnel must be identified to perform the data validation.

Information system design must ensure that controls are implemented to minimize the risk of processing failures leading to a loss of data or system integrity. When possible, programs to recover from data failures that access, add, change and delete data functions will be developed as part of the information system.

Strict controls must be implemented for changes to information systems to minimize the possible corruption of these systems and the resulting disruption to the operations to the college. Formal change control procedures will be developed, implemented and enforced to ensure that information security is not compromised. These change control procedures will apply to college information systems including computer hardware, computer application software, computer system software, network hardware and network software.

Access to source code libraries for college information systems must be tightly controlled to ensure that only authorized individuals have access to these libraries and will be logged to ensure that all access to these libraries can be monitored.

### **Part 10 Compliance**

Compliance with this Information Security Policy is mandatory. Each Employee and Non-Employee must understand their roles and responsibilities regarding information security issues and the protection of college information assets. Failure to comply with this Policy or any other security policy that results in the compromise of college information may result in appropriate action as permitted by negotiated agreement, regulation, rule or law. The Information Security Officer will facilitate all matters relative to compliance with this Policy and the college will take all administrative and legal steps necessary to protect college information assets.

### **Monitoring**

The college reserves the right to inspect, monitor and search all college information systems consistent with applicable law, employee contracts and college policies. College computers and

networks are provided for business purposes and, therefore, staff members should have no expectation of privacy for information stored on college computers or transmitted across college networks. The College additionally reserves the right to remove any unauthorized material from college information systems.

### **Responding to a Suspected Breach of Private Data Procedure**

New York State recently enacted the Information Security Breach and Notification Act to provide people with notice that their private information was acquired due to a security breach. A rationale is provided in the below Legislative Intent section of the law.

#### **Legislative Intent**

The legislature finds that identity theft and security breaches have affected thousands statewide and millions of people nationwide. The legislature also finds that affected persons are hindered by a lack of information regarding breaches, and that the impact of exposing information that should be held private can be far-reaching. In addition, the Legislature finds that state residents deserve a right to know when they have been exposed to identity theft.

The legislature further finds that affected state residents deserve an advocate who can speak and take action on their behalf because recovering from identity theft; can, and sometimes does, take many years. Therefore, the legislature enacts the information security breach and notification act which will guarantee state residents the right to know what information was exposed during a breach, so that they can take the necessary steps to both prevent and repair any damage they may incur because of a public or private sector entity's failure to make proper notification.

The law requires any state agency or business that owns or licenses a computerized database which includes vulnerable personal information to disclose any breach of security of such system to any resident of NYS whose personal information may have been acquired by an unauthorized person. The CSCIC (NYS Office of Cyber Security and Critical Infrastructure Coordination) has added a component to the NYS Information Security policy that also requires notification to nonresidents of NYS.

The law additionally requires notification to three NYS Offices (Attorney General, CSCIC and Consumer Protection Board) in the event of a security breach that results in personal information being acquired by an unauthorized person. The form and process to be used for notifications to these NYS Offices is published on the CSCIC website at:

<https://its.ny.gov/sites/default/files/documents/business-data-breach-form.pdf>

#### **College Compliance**

The college will comply with this law by following the procedures outlined in Part 4. If the breach involved student private information, all potentially affected students will be provided with the following information:

- A summary of what occurred
- Advice to monitor any suspicious activity involving possible misuse of information to establish unauthorized credit.
- The U.S. government's central web site maintained by the Federal Trade Commission (FTC) for information about identity theft - <http://www.ftc.gov/IDTheft>
- Social Security Administration fraud telephone number, if applicable (800.772-1213) Credit Bureau numbers, if applicable (Equifax 800/525-6285; Experian 888/397-3742; Trans Union 800/680-7289)

#### **SUNY Cyber Incident Reporting Procedure**

All state agencies, including SUNY and its campuses, have to report unusual or serious cyber security incidents using two State forms: *Initial Report* and *Final Report*. Based on incidents reported to the Information Security Officer, that officer will assure compliance with these

reporting requirements, which are outlined below.

The *Initial Report* describes the nature of the incident, how, when and where it was found, and its impact on services and information – information that management (e.g. CIOs) on campus would want to know about anyway within an hour or two of an incident.

The *Final Report* is filed after the incident has been understood and resolved. It reports the details of the compromised systems, source of the attack, steps taken to investigate and fix the problem and an assessment of its impact on services and costs.

An initial working definition of a cyber-incident is provided in the next paragraph. To understand what is being requested, we must be clear about the purpose. The purpose is to strengthen ourselves through communication prior to and during exposure to unusual or highly damaging information security incidents. Our incident reporting enables the State to provide coordination against cyber-attacks and for legal actions against intruders, to facilitate warnings and share preventative information, and to collect statewide information on the frequency, impact and cost of attacks. The goal is to help all of us recover from cyber incidents in a timely and secure manner to minimize impact on other state entities.

**Types of incidents that should be reported\***

- Unauthorized access
- Infections by malicious code Denials of service
- Reconnaissance scans and probes

\*Do not report malicious cyber activity that is considered normal in today’s networked environment. The purpose of the policy is to provide *helpful* information to each other; we should report only incidents that are unusual and have significant impact.

**Report incidents that are unusually:**

- Damaging or impending
- Threatening to life or sensitive information Persistent
- Wide-spread
- Resistant to defenses
- Valuable for other IT managers to know about

Type of Activity	Report/ Do Not Report	Description of Activity
Access	Report	Access to a person’s electronic HR file from unknown intruders from the internet
	Do Not Report	Unauthorized reading of another person’s electronic HR file by an employee who had read access but no job requirement to access it
Congestion	Report	A sustained denial-of-service attack on a campus resource
	Do Not Report	Serious network congestion caused by peer-to-peer traffic used by students



Intrusion	<i>Report</i>	Intrusion (e.g. via root) to a campus email server
	<i>Do Not Report</i>	Intrusion on a PC in a public lab
Virus Activity	<i>Report</i>	An outbreak of a new virus that was spreading rapidly
	<i>Do Not Report</i>	Normal level of virus activity, or an outbreak of a known virus in a department or college

**Procedure:**

Call (518) 320-1800 (System Administration Customer Services Help Desk) to alert the SUNY ISO and briefly describe the incident

- to receive possible updated details on the procedures
- if necessary, to receive a new copy of the CSCIC *Initial Report*
- to receive instructions for password protecting the *Initial Report*

1. Fax (518) 443-5273 the completed *Initial Report*
2. Email: [Customer.Services@suny.edu](mailto:Customer.Services@suny.edu) the password protected *Initial Report*
3. Contingencies:  
if you get voicemail, leave a message and call (518) 443-5179 or (518) 443-5596 if you still get voicemail or the phones are out of service, email

[Customer.Services@suny.edu](mailto:Customer.Services@suny.edu) stating that you have a cyber-incident

if it is off-hours (nights, weekends, holidays) or two hours have passed without response, and you need assistance in dealing with your incident (technically, forensically) or your incident is urgently important for others in the State to know about, call or email the State Office of Cyber Security and Critical Information Coordination at (866) 767-4722/(866)STS-ISAC; [IRT@CSCIC.STATE.NY.US](mailto:IRT@CSCIC.STATE.NY.US)

6.2 – NCCCnet

Revised 8/6/19

Niagara County Community College provides computing resources to support NCCC users in academic research and the learning/teaching process.

A. Definitions

1. NCCCnet means the College-provided, computer-based data systems which include, but are not limited to, the host computer systems, College-licensed software mobile devices, computers and related equipment, communication networks that specifically include, but are not limited to its local-area networks and virtual private networks that are either owned by the College or made available to the College under contract.
2. User means any NCCC student, College employee, or community member. that uses or accesses NCCCnet.
3. Student means any person taking a NCCC course.
4. College employee means any person being compensated by the College for services being provided in any capacity other than independent contractor.
5. Community member means any person who is not a NCCC student or College employee.
6. Electronic communications include, but are not limited to e-mail, voice mail, text messages, instant messages and information or content that is sent or received through NCCCnet (e.g., internet sites).

## B. Confidentiality

While unauthorized access of a User's NCCCnet account is prohibited, NCCC cannot guarantee complete confidentiality of any User's NCCCnet account. In addition, all data on a User's NCCCnet account and device is subject to court order. While it is not the normal practice of the College to monitor or limit access to content, it reserves the right to access and review information to assure the stability of the College's resources and to assure the User is not in violation of this or any other College policy.

## C. Software Licensing

Per U. S. Code, Title 17, Section 106, software shall only be distributed per the licensing software agreement. NCCC is obligated to enforce all software licensing agreements.

## D. Software and Hardware Allocation

The Office of Information Technology will:

1. Determine what software will be loaded onto NCCCnet.
2. Assign all computing hardware and related equipment.
3. Users must obtain the approval of the Office of Information Technology for:
  - a. Moving any College-licensed software.
  - b. Moving any College-owned computing hardware or related equipment.
  - c. Loading any software onto NCCCnet.

## E. Rights and Responsibilities of Users

1. Only NCCC students and College employees are entitled to NCCCnet accounts. Proper college identification can be requested and must be provided to utilize college labs and/or college owned assets.
2. NCCCnet account is intended for the sole use of the assigned User, and is non-transferable.
3. Any time a User is accessing the college network or college resources, whether local or remote, the User must comply with the NCCCnet Use Policy.
4. All Users are responsible to respect the rights of other users.
5. All Users are expected to use NCCCnet in a responsible manner (e.g. Users should not consume unreasonable amounts of limited computing resources).
6. All Users are responsible to protect their NCCCnet account password from discovery or use by another person.
7. The assigned User is responsible for the usage of his/her NCCCnet account. If User knowingly or inadvertently makes his/her NCCCnet account password available to another person, he/she is responsible for any sanctions that may arise from the use of his/her NCCCnet account by another person.
8. All Users are responsible to report to the Office of Information Technology if they suspect that their NCCCnet account was accessed without permission.
9. All Users are responsible to change their NCCCnet account password if they suspect that their NCCCnet account was accessed without permission.
10. Users are responsible for backing up and recovering any data that is stored only on their electronic device (including those that are part of NCCCnet in order to assure the integrity of their data (see Rights and Responsibilities of NCCC for other stored data).
11. All Users are responsible to maintain any privately owned software, personal computer or related equipment. NCCC is not responsible for any privately-owned software, personal computers, cell phones, or related equipment.

## F. Rights and Responsibilities of NCCC

1. NCCC has the right to control all policies and procedures governing NCCCnet.
2. NCCC has the right to monitor the use of all computing resources, and to protect the integrity of NCCCnet. NCCC will honor a User's right to privacy, but reserves the right to monitor all communications transacted through NCCCnet. This includes, but is not limited to, mobile devices, telephone, and other network resources.
3. NCCC has the right to monitor all software loaded onto NCCCnet and remove any unauthorized software.
4. NCCC has the right to allocate the use of all NCCCnet resources (e.g., time, and space) as necessary. The Chief Information Officer has the discretion to allocate NCCCnet accounts.
5. NCCC has the right to terminate any User's NCCCnet account.
  - a. NCCC reserves the right to terminate employees' access to NCCCnet when their employee status ends.
  - b. NCCC will terminate students' access to NCCCnet when their student status ends; either the student terminates enrollment or fails to enroll for the next consecutive semester.
  - c. NCCC reserves the right to terminate any User's access to the NCCCnet if he/she violates this policy or he/she is no longer associated with NCCC.
6. NCCC has the right to investigate any data stored on a User's NCCCnet account that caused or may cause a system problem and remove such data.
7. NCCC will determine the level of access all Users have to data on NCCCnet.
8. NCCC assumes no liability for loss of any data stored on a User's NCCCnet account due to system failure, User error or any other cause.
9. NCCC has the right to monitor and log access to resources such as websites, email, and network shares as it relates to the standard business practice of the Office of Information Technology. If suspicious behavior is suggested or detected, the Chief Information Officer will coordinate with the supervising manager to provide detailed logging.
10. NCCC is responsible for backing up and restoring any data that is stored on the file servers that support NCCCnet. NCCC will make best efforts to restore any files on such servers that become lost or corrupted, but cannot provide a guarantee that 100% of all such files will be recovered.

## G. Prohibited Behavior

Prohibited behavior includes, but is not limited to the following and complies with conditions stipulated in the federal law Telecommunications Act 1996 Sections 502 & 507 Title V Subtitle A "Obscene, Harassing and Wrongful Utilization of Telecommunications Facilities". A copy of these laws is available in the Library Learning Center.

1. Violating any child pornography law, state or federal law, NCCC policy or software agreement.
2. Copyrighted material is considered intellectual property of the owner. Any misuse of copyrighted material without the consent of the owner is illegal and punishable by law.
3. Accessing or attempting to access an area of NCCCnet the User is not authorized to access. Hacking is prohibited per Public Law 98-473, Chapter XXI.
4. Disrupting or attempting to disrupt the integrity of NCCCnet.
5. Altering or attempting to alter any College-licensed software or the configuration of any College-owned computer or related equipment.
6. Circumventing or attempting to circumvent any data protection scheme.
7. Discovering or attempting to discover any security loophole, or possessing software to do

- such.
8. Decoding or attempting to decode any encrypted material.
  9. Deliberately wasting or overloading any NCCCnet resource.
  10. Viewing, downloading, trading or posting to an NCCCnet account or transporting across NCCCnet material that is non-business related, illegal, proprietary, obscene, in violation of NCCC contractual agreements, or otherwise damaging to NCCC. This includes, but is not limited to, the forwarding of chain email or other communications that cannot be considered business related.
  11. Harassing, threatening, defaming, or otherwise causing harm to another person whether by direct or indirect reference including sexual and racially offensive jokes.
  12. Accessing or attempting to access another User's NCCCnet account.
  13. Manipulating or attempting to manipulate data in another User's NCCCnet account.
  14. Sharing one's NCCCnet password and account with another person.
  15. Misrepresenting one's identity.
  16. Plagiarizing any work (e.g. text, graphics or programs).
  17. Violating any software agreement.
  18. Using NCCCnet for any commercial purpose unless authorized by the Office of the President.
  19. Reading, deleting, copying, or altering communications of others.
  20. Sending unsolicited for profit personal messages or chain letters.
  21. Using the internet and e-mail for other than educational and work related purposes.
  22. Permitting persons not considered to be Users (per this policy) access to equipment reserved for College Users.
  23. Installation or alteration of wiring, including attempts to create network connections, or any extension or retransmission of any NCCCnet services or content without the approval of the Office of Information Technology.
  24. Reselling of services based on the use of NCCCnet. This includes, but is not limited to, web server space, email, and use of lab equipment.

Any of these behaviors by a User will prompt a College official to take action.

Any communications or complaints regarding a potential violation of the NCCCnet Use Policy or misuse of NCCCnet resources should be directed as follows (based on the classification of the User).

#### H. Student

Suspected violation should be reported to the Vice President of Student Services, or designee, and handled through the Student Code of Conduct Policy.

While investigating the suspected violation or misuse, the Vice President of Student Services, or designee, may suspend a student's NCCCnet privileges. The Office of Student Services will notify the student, in writing, within three (3) working days that his/her NCCCnet privileges were suspended.

#### I. Employee

The suspected violation should be reported to the Director of Human Resources, or designee, and handled in accordance with College employee policies and collective bargaining agreements.

#### J. Community Member

The suspected violation should be reported to the Chief Information Officer, or designee, in accordance with the College's Information Security policies and other pertinent practices/procedures of the Security Department.

Any suspected violation that could constitute a potential breach of information security should be immediately reported by the above individuals (as applicable) to the Chief Information Officer in accordance with the College's Information Security Policy.

K. Sanctions

User's NCCCnet privileges will not be suspended unless the suspected violation is reasonably perceived to constitute unlawful activity, pose a risk to the integrity of NCCCnet, or present a threat to the safety or welfare of NCCC, a student, College employee, or another person in the community. Penalties that may be imposed include, but are not limited to reprimand, temporary or permanent loss of using NCCCnet, or referral to College, State and/or Federal authorities.

L. Interpretation and Revision

Any question about the NCCCnet Use Policy shall be referred to the Chief Information Officer for explanation or interpretation.

The NCCCnet Use Policy shall be reviewed annually.

**REVISED**

College approved: 4/2019

Board approved: 8/6/2019

## **SECTION 7. STUDENT SERVICES**

### **7.1 - HAZING**

Niagara County Community College recognizes that membership in any campus organization can be a meaningful experience in conjunction with other aspects of the educational process. Unfortunately, however, membership or prospective membership in an organization could possibly be accompanied by a wrongful activity commonly known as "hazing". Hazing is both a violation of the Penal Law and other laws of the State of New York as well as the general regulations of the college. Accordingly, Niagara County Community College hereby initiates a policy that it will not condone hazing of any kind.

To this end, any person who engages in hazing may be ejected from the campus and, where appropriate, shall be subject to suspension, expulsion or other disciplinary action. Similarly the college will rescind permission to operate on campus property and shall prohibit the use of the college's name to any organization whose members, whether individually or in concert, engage in hazing.

Hazing has been defined as any action or situation which recklessly or intentionally endangers mental or physical health or which subjects the individual to personal indignity, humiliation or ridicule, and is for the purpose of initiation into or affiliation with any organization. Some examples of such prohibited activities are: forced consumption of liquor; forced consumption of drugs; forced consumption of foods; forced performance of abnormal or unusual acts; forced excessive or unusual physical exercise; forced verbal harassment or abuse.

Violations of any of the foregoing prohibitions shall be dealt with by the college as follows: The person or persons or organization shall be requested to cease and desist from such prohibited conduct by the President or his or her designee and if he or she fails to do so, necessary and appropriate action will be taken to eject such person(s) or organization from College property. In addition, disciplinary proceedings shall be commenced against such person(s) or organization pursuant to the Due Process Requirements of the Student Conduct Code and Regulations for Maintenance of Public Order on Campus.

### **7.2 - IMMUNIZATION**

In accordance with New York State Public Health Law 2165, NCCC requires all students born on or after January 1, 1957 to provide proof of immunity to measles, mumps, and rubella. The purpose of this policy and the Law is to eliminate outbreaks of measles, mumps, and rubella among college and university students in New York State. Vaccine preventable disease outbreaks occurring on college campuses result in high cost to both students and institutions.

#### **Definitions:**

Student - Means anyone born on or after January 1, 1957 matriculated or non-matriculated. In addition to these students, all students in Allied Health programs and Animal Management are required to submit proof of immunity to measles, mumps, and rubella regardless of age.

Attendance - Attendance at a post-secondary institution is defined as the physical presence of the student at the main campus and any off-campus sites and shall begin on the first scheduled day of classes each semester.

### Acceptable Proof of Immunity:

#### Proof of immunity to measles requires submission of one of the following:

1. Proof of two doses of live measles vaccine: the first dose given after the first birthday and after 1968, and the second at least one month after the first dose; **or**
2. Serological proof (titer) of immunity to measles; **or**
3. A statement from the diagnosing physician that the student has had the measles disease.

#### Proof of immunity to mumps requires submission of one of the following:

1. Proof of one dose of live mumps vaccine given after the first birthday and after 1969; **or**
2. Serological proof of immunity to mumps; **or**
3. A statement from the diagnosing physician that the student has had the mumps disease.

\*Note: Due to the outbreaks of the mumps disease, any student only having one mumps immunization is strongly recommended to receive a second dose of the mumps vaccine.

#### Proof of immunity to rubella requires submission of one of the following:

1. Proof of one dose of live rubella vaccine given after the first birthday and after 1969; **or**
2. Serological proof of immunity to rubella.

Note: Physician statement of disease history is NOT acceptable proof of immunity for rubella.

In all cases proof of immunity must be documented by one of the following: physician's or Health Department record, high school record, or statement signed by the appropriate College Health Service official indicating that they have received the appropriate immunizations on campus.

### Immunization Survey

The annual immunization questionnaire developed by the New York State Department of Health, Public Law 2165 requires institutional response by October 31<sup>st</sup> of each year, summarizing the immune status of students covered under this law.

### Inadequately Immunized Student

This includes any student who has not completed the number of doses of measles, mumps, or rubella currently recommended or who cannot produce other acceptable evidence of measles, mumps, or rubella immunity.

### Exemption-Medical

If a licensed physician or nurse practitioner certifies in writing that one or more of the required immunizations may be detrimental to the student's health or is otherwise medically contradicted, the requirements for measles, mumps, and rubella immunity shall be waived until such immunization is determined to no longer be detrimental to the student's health or otherwise medically contradicted. The statement must specify those immunizations which may be detrimental, the reason they are detrimental, and the length of time they may be detrimental. In the event of an outbreak, medically exempt individuals may be excluded from classes and the campus to protect them from exposure.

## Exemption-Religious

In order to qualify for a religious exemption, a student under eighteen years of age must submit a written statement signed by his or her parents or guardian stating that they hold religious beliefs contrary to the practice of immunization. Students eighteen years old or older must submit such a statement themselves to qualify for religious exemption. This statement must describe the beliefs in sufficient detail to permit the institution to determine that 1) the beliefs are religious in nature (not philosophical), and 2) the beliefs are sincerely and genuinely held. "Request for Religious Exemption" forms are housed in the Wellness Center. Required documentation is to be submitted to the Supervisor of College Nursing Services/Wellness Center for review, followed by a recommendation of approval or denial of exemption by the Vice President of Student Services. In the event of an outbreak, religiously exempt individuals may be excluded from classes and the campus to protect them from exposure.

## Enforcement of Requirements

Students will be notified of immunization requirements in their acceptance packet and in the confirmation email prior to their READY session. Students who do not provide proof of immunity prior to, or at the time of registration, will be required to sign a waiver resulting in releasing their holds and allowing them to register for classes. The waiver includes what they are missing, the due date (the Wednesday before the first day of classes), what will happen if they do not submit their documentation by the due date (a hold will be placed on their account and all registered classes will be dropped on the following morning), and the student's signature/date. The student is given a copy and the Wellness Center keeps a copy of the waiver. Students will be notified by return receipt registered mail that their classes have been dropped and information regarding how to re-register for classes once the required information has been submitted. Students who do not provide proof of immunity will have a hold placed on their account and will not be allowed to register for classes.

Students granted exemptions for religious or medical reasons will be advised that in the event of an outbreak of measles, mumps, or rubella on campus, they will be excluded from attending classes or activities at NCCC until two weeks after the outbreak is over. In most instances they will be allowed to return to campus immediately upon receiving vaccine.

## Reporting of Measles, Mumps, and Rubella and Outbreak Control Strategies

In the event a student, staff member, or faculty is suspected of having measles or mumps infection, the Supervisor of the College Nursing Services/Wellness Center or the college Nurse will notify the County Health Department immediately. Disease control is the responsibility of the County Health Department. The Wellness Center will work with the Health Department to follow up with exposed close contacts and implement outbreak control activities. Persons born before January 1, 1957, are considered immune from natural disease, but will be encouraged to obtain an MMR (measles, mumps, rubella) immunization. Persons who are susceptible to measles or mumps will be encouraged to obtain an MMR immunization immediately. In the event such persons continue to refuse immunization or are unable to receive immunizations, the college will exclude them from attendance at Niagara County Community College as stated above.

## Rubella

In the event of a rubella outbreak on campus, all females, student or staff, will be notified that if they are pregnant, they should notify their health care provider to determine their rubella immune status through serological results. Those susceptible may be excluded from attending classes or activities at NCCC until two weeks after the outbreak is over.



## Institutional Responsibility

It is the role of the Wellness Center personnel to evaluate documentation supplied by students to ensure that the documentation meets requirements set forth in this policy and to input data to student records.

Confidentiality - Student immunization records contain information of a medical nature and, therefore, must be considered confidential. Access is restricted to college employees whose job responsibilities require information from those records. Students wanting a copy of their records for their personal files or for transfer to another institution will be required to sign a release form prior to receiving the records.

### 7.3 - MARKETING OF CREDIT CARDS TO STUDENTS

Article 129-A of New York State Education Law was amended effective July 1, 2005. That amendment included the addition of section 6437 – “Prohibition on the marketing of credit cards”. That section states that each college in the state shall prohibit the advertising, marketing, or merchandising of credit cards on college campuses to students, except pursuant to an official credit card marketing policy. Such a policy would need to address the registration of marketers, limiting marketers to specific dates and areas of the campus, prohibiting the offering of gifts in exchange for applications and providing student workshops, seminars and the like on the subject of good credit management practices. Relative to this legislation, NCCC’s policy is to prohibit the advertising, marketing, or merchandising of credit cards to its students.

### 7.4 - MENINGITIS

On July 22, 2003 Governor Pataki signed New York State Public Health Law 2167 requiring colleges to distribute information about meningococcal disease and vaccination to all students regardless of age.

Niagara County Community College is required to maintain a record of the following for each student:

4. A response to receipt of meningococcal disease and vaccine information signed by the student (or parent/guardian if student is a minor).

AND EITHER

5. A record of meningococcal meningitis immunization within the past 5 years.

OR

6. An acknowledgement of meningococcal disease risks and refusal of meningococcal meningitis immunization signed by the student (or parent/guardian if student is a minor) within the past 5 years.

The Meningococcal Meningitis Response Form must be returned to the Wellness Center, prior to the student’s first registration. Any returning student that attended NCCC  $\geq$  5 years prior to the upcoming semester must comply with this law upon their return.

Students that non-compliant with this law will have a hold placed on their account and will be required to bring either proof of immunization, or a signed declination form with them prior to registering for classes.

It is the role of the Wellness Center personnel to evaluate documentation supplied by students to

ensure that the documentation meets requirements set forth in this policy and to input data to student records. Student immunization records contain information of a medical nature and, therefore, must be considered confidential.

## 7.5 - SELF EVALUATION HEALTH REPORT

All students, including matriculating and non-matriculating, will be requested to complete a self-evaluating Health Report prior to registration.

In addition to the Health Report, Allied Health students (Registered Nursing, Practical Nursing, Physical Therapy Assistant, Medical Assistant, Phlebotomist, Surgical Technologist, Animal Management, Radiology Technologist, and Massage Therapist), are required to have a physician's examination.

## 7.6 - INTERCOLLEGIATE ATHLETICS

### Athletic Excellence

Intercollegiate Athletics in the American culture, in contrast to intramural and recreation is designed for individuals who exhibit the highest degree of proficiency in physical skills and assumes a much more organized and sophisticated approach to developing these abilities. In addition, team excellence is an objective of Intercollegiate Athletics. Team excellence is defined as being competitive within a Conference or Region schedule. Individual and team excellence shall be achieved through strict adherence to the principles, ethics, and rules of good sportsmanship and collegial team spirit, as outlined in NCCC Athletic Guidelines, Western New York Conference Regulations, and the National Junior College Athletic Association Regulations.

### Academic Excellence

At NCCC, Intercollegiate Athletics are an integral part of our College's academic experience. As such, the athlete will meet academic requirements which are established by the college and the NJCAA.

### Coaching Standards

NCCC is committed to the development of a coaching staff that has specialized training, is dedicated to the coaching profession and reflects the philosophies, goals, ideals, and ethics of the Intercollegiate Athletics program, at NCCC.

### Funding

The College demonstrates its support of the Athletic program by funding the facilities and the salaries of coaches and the Athletic administration. The Student Senate demonstrates its support of the Athletic program by funding all operating expenses for the Intercollegiate Athletic program.

### Scheduling

NCCC's Athletic program shall provide a competitive and challenging Athletic schedule which draws the interest and active support of the student body and the community at large. The schedule shall emphasize two-year college competition within the Conference and/or Region.

Pre- and Post-season completion is encouraged when it is part of the schedule competition within the NJCAA or Conference to which we belong.

## Recruitment

A prime requisite of a successful Athletic program is the participation of quality athletes. Therefore, recruitment of athlete shall be perceived as integral to the general College-wide outreach effort. All recruited athletes shall fulfill all admission requirements as established by the college.

## Balance

The Intercollegiate Athletic program at NCCC shall achieve and maintain a program in full compliance with affirmative action and Title IX. It shall also operate in a spirit of harmony and balance with the academic and co-curricular components of the college.

## Public Relations/Image

The Athletic program shall be representative of a positive image of the college community and present this favorable impression of the total institution.

NCCC's athletically sound program provides an area of common interest and pride among students, faculty, and alumni, and develops homogeneity with the community. The effectiveness of this reciprocity must be considered a major contributor toward fostering kinsman ship between the college and the people of the community.

## 7.7 - STUDENT CONDUCT CODE

Based on Federal and New York State Law, as a public higher education institution, NCCC shall afford each student her/his inalienable rights of freedom that all citizens of the United States enjoy. Every student is guaranteed due process in all College-related disciplinary matters when a student's College-related actions go beyond the exercise of inalienable rights guaranteed by law. The College will not infringe on any rights guaranteed by law.

On-campus or off-campus, the student is regarded as a citizen of the community and is subject to all laws of the community. The College will not interfere with the work of law enforcement agencies/officers nor will the College protect any student charged with any violation of law.

No adverse action will be taken against the complainant(s) for filing a complaint.

Any question about interpretation of the Student Code of Conduct shall be referred to the Vice President of Student Services, or designee, for final determination. The Student Code of Conduct is reviewed periodically under the direction of the Vice President of Student Services, or designee. Any student formally charged with violating the Student Code of Conduct may have that reflected on their permanent record.

## 7.8 - STUDENT GOVERNMENT STRUCTURE

The Student Senate is the official organization by which students participate in the governing of the college. This is the official medium for communication between the students and the student body, as well as between the students and the faculty, administration, and College Association. It is the responsibility of the Senate to represent the student body in all matters pertaining to student life on campus; take appropriate action; make recommendations to the President; and to present proposals to the Board of Trustees.

## 7.9 – TRANSCRIPT NOTATION POLICY

### **Transcript Notation Policy**

Niagara County Community College official college transcripts will notate all reportable code of conduct violations. Reportable code of conduct violations are those incidents, including but not limited to sexual violence, that meet the reporting requirements of the federal Clery Act Primary Crimes (<http://clerycenter.org/summary-jeanne-clery-act>).

A transcript notation will be made for any student found responsible after a conduct process or who withdraws with conduct charges pending. The following transcript notations will be used at NCCC:

- a. Suspended after a finding of responsibility for a code of conduct violation.
- b. Expelled after a finding of responsibility for a code of conduct violation.
- c. Withdrew with conduct charges pending.

The College reserves the right to adjust transcript notations as needed for compliance with SUNY Policies on Sexual Violence Prevention Response. The Campus Title IX Coordinator will be notified of all reportable code of conduct violations involving sexual violence.

**Appeals to Remove Transcript Notation:** Students may make an appeal seeking removal of a suspension transcript notation. The suspension notation may not be removed prior to one year after conclusion of the suspension. Appeals shall be made in writing to the Vice President of Student Services. Action taken by the Vice President of Student Services shall constitute a final resolution of the appeal unless the student submits a request for a hearing, in writing, within 10 working days of the date of the decision. If the student so requests, an appointment will be made to appear before the Judicial Board for a hearing and the appeal will follow the rules stated in Article IV, Section D of the Student Code of Conduct.

Notations for expulsion may not be appealed and will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

College approved: 10/9/2018  
Board approved: 11/20/2018

**APPENDICES**

**A - BOARD OF TRUSTEE MEMBER CONFLICT OF INTEREST FORM**

BOARD OF TRUSTEES  
NIAGARA COUNTY COMMUNITY COLLEGE  
CONFLICT OF INTEREST

BOARD OF TRUSTEE MEMBER  
CONFLICT OF INTEREST FORM

Please complete the following and return this form in the envelope provided.

I, \_\_\_\_\_, am a member of the Board of Trustees or an Officer of Niagara County Community College. I state that the following is true and complete to the best of my knowledge, knowing that Niagara County Community College will rely upon it in meeting its legal and governmental obligations.

The information in this statement is true for the period of one year preceding \_\_\_\_\_.

7. I understand that I must disclose to the Board whether I am related by blood or marriage to, or share the same household with, any other member of the Board of Trustees or to any Officer, faculty, staff or administrator of Niagara County Community College.

\_\_\_\_\_ No relationship to any employee  
\_\_\_\_\_ I am not  
\_\_\_\_\_ I am related to the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. I understand that I must disclose to the Board any contract, agreement or business dealing that I have with Niagara County Community College, either directly or through a business which I, my spouse or family member own, control or make business decisions for, (other than a publicly traded company in which I have no management role).

\_\_\_\_\_ I have not had any such contract, agreement or business with Niagara County Community College.  
\_\_\_\_\_ I have had the following contract, agreement or business with Niagara County Community College:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. I understand that I must disclose to the Board whether any member of my immediate family has had any contract, agreement or business relationship with Niagara County Community College, either directly or through a business (other than a publicly traded company in which that person has no management role);

\_\_\_\_\_ No member of my family has had any such contract, agreement or business with Niagara County Community College.  
\_\_\_\_\_ Family members have had the following contracts, agreements or business

BOARD OF TRUSTEES  
NIAGARA COUNTY COMMUNITY COLLEGE  
CONFLICT OF INTEREST

with Niagara County Community College;

---

---

---

1. I understand that I must disclose to the Board whether any person who has a business or professional relationship with me also has had a contract, agreement or business relationship with Niagara County Community College, either directly or through a business (other than a publicly traded company in which that person has no management role).

\_\_\_\_\_ No one who has a business or professional relationship with me has also had a contract, agreement or business with Niagara County Community College.

\_\_\_\_\_ Following is a brief description of any contract, agreement or business between Niagara County Community College and a person who has had a business or professional relationship with me:

---

---

---

2. Are you aware of any relationships with the College between yourself or a member of your family as defined by the letter or spirit of this policy that may represent a conflict of interest?

\_\_\_\_\_ I am unaware of any relationships with the College between myself or a member of my family as defined by the letter or spirit of this policy that may represent a conflict of interest.

\_\_\_\_\_ Following is a description of such relationships and the details of annual or potential financial benefit as best I can estimate them:

---

---

---

3. Did you or a member of your family receive, during the past 12 months, any gifts or loans from any source which the College buys goods or services or otherwise has a significant business relationship?

\_\_\_\_\_ Not I or anyone in my family has received any such gifts or loans during the past 12 months.

\_\_\_\_\_ The following approximates the value of such gifts or loans that have been received by the following sources: (Please list all sources and their approximate value and the individual receiving such gift or loan).

BOARD OF TRUSTEES  
NIAGARA COUNTY COMMUNITY COLLEGE  
CONFLICT OF INTEREST

---

---

---

1. I understand that a conflict of interest or the appearance of a conflict exists if I do business or propose to do business with Niagara County Community College. A conflict or the appearance of a conflict also exists if anyone with a familial, business or professional relationship with me does business or proposes to do business with Niagara County Community College. I know that these conflicts must be fully disclosed to the Board of Trustees in writing.
2. During this year, I have disclosed every actual or apparent conflict of interest, as defined by state law or the Conflict of Interest Policy for Members of the Board of Trustees of Niagara County Community College, to the Board of Trustees in writing.

I have read the College's policy on conflicts of interest, and, to the best of my knowledge, made all the required disclosures. I agree to comply with this policy. Should my financial or managerial interest or those of my spouse or family members as defined previously change, I agree to submit a revised disclosure form.

---

Name

---

Date

B - CODE OF ETHICS ACKNOWLEDGEMENT FORM

The undersigned hereby acknowledges receipt of the Niagara County Community College Code of Ethics and Article 18, sections 800 – 805a, of the General Municipal Law of New York State.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## C - GENERAL MUNICIPAL LAW OF NYS – ARTICLE 18

§ 800. Definitions. When used in this article and unless otherwise expressly stated or unless the context otherwise requires:

1. "Chief fiscal officer" means a comptroller, commissioner of finance, director of finance or other officer possessing similar powers and duties, except that in a school district the term shall not mean a member of the board of education or a trustee thereof.
2. "Contract" means any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law.
3. "Interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of:
  - a. His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
  - b. A firm, partnership or association of which such officer or employee is a member or employee.
  - c. A corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.
4. "Municipality" means a county, city, town, village, school district, consolidated health district, county vocational education and extension board, public library, board of cooperative educational services, urban renewal agency, a joint water works system established pursuant to chapter six hundred fifty-four of the laws of nineteen hundred twenty-seven, or a town or county improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such governmental units or to benefit the real property within such units, an industrial development agency but shall have no application to a city having a population of one million or more or to a county, school district, or other public agency or facility therein.
5. "Municipal officer or employee" means an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief.
6. "Treasurer" means a county treasurer, city treasurer, town supervisor, village treasurer, school district treasurer, fire district treasurer, improvement district treasurer, president of a board of health of a consolidated health district, county vocational educational and extension board treasurer, treasurer of a board of cooperative educational services, public general hospital treasurer, or other officer possessing similar powers and duties.

§ 801. Conflicts of interest prohibited, except as provided in section eight hundred two of this chapter.

1. No municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to:
  - a. Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder.
  - b. Audit bills or claims under the contract, or
  - c. Appoint an officer or employee who has any of the powers or duties set forth above and

2. No chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

§ 802. Exceptions. The provisions of section eight hundred one of this chapter shall not apply to:

1. a. The designation of a bank or trust company as a depository paying agent, registration agent or for investment of funds of a municipality except when the chief fiscal officer, treasurer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the municipality would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated.
- b. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.
- c. The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.
- d. The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the governing board.
- e. The acquisition of real property or an interest therein, through condemnation proceedings according to law.
- f. A contract with a membership corporation or other voluntary non-profit corporation or association including, but not limited to rural electric cooperatives. For purposes of this paragraph, the term "rural electric cooperative" shall have the same meaning as the term "cooperative" as defined in subdivision (a) of section two of the rural electric cooperative law.
- g. The sale of bonds and notes pursuant to section 60.10 of the local finance law.
- h. A contract in which a municipal officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract; authorization by a two-thirds vote of the board of education of such school district, notwithstanding the fact that such physician shall have an interest, as defined in section eight hundred one of this chapter, in such employment.
- j. Purchases or public work by a municipality, other than a county located wholly or county with a population of two hundred thousand or less pursuant to a contract in which a member of the governing body or board has a prohibited interest, where:
  1. The member of the governing body or board is elected and serves without salary.
  2. The purchases, in the aggregate, are less than five thousand dollars in one fiscal year and the governing body or board has followed its procurement policies and procedures adopted in accordance with the provisions of section one hundred four-b of this chapter and the procurement process indicates that the contract is with the lowest dollar offer.
  3. The contract for the purchases or public work is approved by resolution of the body or board by the affirmative vote of each member of the body or board except the interested member who shall abstain.

2. a. A contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee.
- b. A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the public service commission.
- c. A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his official duties and are so designated as an office or chamber.
- d. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office.
- e. A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars.
- f. A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest provided the member discloses such interest to the council and the member does not vote on the contract.

§ 803. Disclosure of interest.

1. Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.
2. Notwithstanding the provisions of subdivision one of this section disclosure shall not be required in the case of an interest in a contract described in subdivision two of section eight hundred two hereof.

§ 804. Contracts void. Any contract willfully entered into by or with a municipality in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

§ 804-a. Certain interests prohibited. No member of the governing board, of a municipality shall have any interest in the development or operation of any real property located within Nassau County and developed or operated by any membership corporation originally formed for purposes among which are the following:

1. To plan for, advise, recommend, promote and in all ways encourage alone or in concert with public officials and bodies and interested local associations, the development and establishment of any lands in Nassau County publically owned with particular emphasis on industrial, business, commercial, residential and public uses, the augmentation of public revenues and furtherance of the public interest of the citizens of Nassau County.
2. To conduct studies to ascertain the needs of Nassau County as pertains to such publically owned lands and supporting facilities and in Nassau County generally for the purpose of aiding the County of Nassau in attracting new business, commerce and industry to it and in encouraging the development and retention of business, commerce and industry.
3. To relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities and instruct or train individuals to improve or develop their capabilities for such jobs.
4. To implement and engage itself in plans of development of such publically owned lands and other areas in

connection with private companies and citizens and with public bodies and officials, and to participate in such operations, leaseholds, loans, ownerships with respect to land, buildings or public facilities or interest therein as may be lawful and desirable to effectuate its corporate purposes and the best interests of the people of Nassau County.

§ 805. Violations. Any municipal officer or employee who willfully and knowingly violates the foregoing provisions of this article shall be guilty of a misdemeanor.

§ 805-a. Certain action prohibited.

1. No municipal officer or employee shall:

- a. Directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
- b. Disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.
- c. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- d. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

2. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fined, suspended or removed from office or employment in the manner provided by law.

[http://www.nyc.gov/html/conflicts/downloads/pdf2/municipal\\_ethics\\_laws\\_ny\\_state/article\\_18\\_sections\\_800-813.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/municipal_ethics_laws_ny_state/article_18_sections_800-813.pdf)