

**ACADEMIC SENATE  
RESOLUTIONS**

**JUNE 2013 - JUNE 2014**

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**ACADEMIC SENATE**

**JUNE 2013 - JUNE 2014**

**EXECUTIVE COMMITTEE**

EDWARD A. BOYDEN – CHAIR

DARREN PETRONELLA – FIRST VICE CHAIR

CATHY FAGAN – SECOND VICE CHAIR

LYNN BERGIN – SECRETARY

KARA CURTIN – SGA MEMBER

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## SENATE MEETINGS

### MEETING OF OCTOBER 1, 2013

#### **Academic Senate Executive Committee**

##### Resolution on Presidential Search

**Whereas**, the selection of Nassau Community College's next Chief Executive Officer is critical to its future as an institution, and

**Whereas**, the Nassau Community College Federation of Teachers Collective Bargaining Agreement establishes the Academic Senate of Nassau Community College as the body that shall provide the College community with voice in general educational goals and policies as well as other matters of concern to the college community, (Section 19-1) and

**Whereas**, the State University of New York *Guidelines for Presidential Searches for Community Colleges* states that "Experience has shown that the pressure on trustees and search committee members, real or imagined, can cloud an open search when there is an internal candidate who is at the same time chief executive. Therefore, we recommend that temporary or interim appointees not be candidates for the permanent position," (Section V: Interim Leadership), and

**Whereas**, at the December 1, 1981 meeting of the Nassau Community College Board of Trustees, Acting President James Fitzgibbons stated that he would not be a candidate for the position of president, but would assist the Board in its search for a president, and

**Whereas**, on May 16, 2013, the Academic Department Chairs recommended that if Dr. Saunders is to remain Acting President, he must be removed from consideration from future searches; or, should he wish to remain a candidate for President of the college, a new and temporary Interim President should be appointed until the presidential search is completed, and

**Whereas**, the Nassau County Code of Ethics prohibits any officer or employee of the county from using county resources in furtherance of his or her business, professional or political activities or interests, (Section 2218 of the Nassau County Charter, as amended by Local Law 4-2007), and

**Whereas**, all officers and employees of Nassau County, whether paid or unpaid, are subject to the county Code of Ethics,

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president might tend to create the impression that such temporary Chief Executive Officer was using county resources in furtherance of his or her professional activities or interests, and

**Whereas**, this might place the college and/or its officers or employees at risk of legal liability by creating the impression that they had violated the Nassau County Code of Ethics, and

**Whereas**, the Middle States Commission on Higher Education is Nassau Community College's accrediting body, and

**Whereas**, the Middle States Commission requires accredited institutions to adhere to certain standards in order to remain accredited, and

**Whereas**, Middle States Standard Six, on Integrity, requires accredited institutions to have fair and impartial practices in the hiring, evaluation and dismissal of employees, (Middle States Commission on Higher Education, *Characteristics of Excellence in Higher Education*, 2011 revision, p. 22), and

**Whereas**, Middle States Standard Six requires an accredited institution to have sound ethical practices, including the avoidance of conflict of interest or the appearance of such conflict in all its activities and among all its constituents, and

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president creates an unavoidable conflict of interest for employees of the college who are involved in the search, particularly those not protected by tenure or collective bargaining agreements, and

**Whereas**, such a conflict of interest might jeopardize the college's accreditation by violating Middle States Standard Six, and

**Whereas**, a successful presidential search must draw on the largest and broadest possible pool of highly qualified applicants, and

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president might give that individual an unfair and unreasonable advantage over highly qualified external candidates, thus discouraging them from applying, and

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president might create the impression that the search is merely *pro forma*, thus discouraging highly qualified external candidates from applying, be it therefore

**Resolved**, that the Academic Senate of Nassau Community College strongly urges the Board of Trustees to adopt the following rule for this and all future presidential searches at Nassau Community College:

"No Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer regardless of title shall be permitted to apply for the position of president; any such temporary Chief Executive Officer who wishes to be considered for the permanent position of president must resign his or her position as Chief Executive Officer."

**MEETING OF OCTOBER 29, 2013**

**Academic Senate Executive Committee**

**Endorsement of the Faculty Council of Community Colleges Resolution on SUNY Seamless Transfer Requirements and A.A.S. and A.O.S. Degrees**

**Resolved:** That the Academic Senate of Nassau Community College hereby endorses the following resolution passed by the SUNY Faculty Council of Community Colleges

**Faculty Council of Community Colleges Executive Committee Resolution #EC1: 2012-2013  
Passed Unanimously on July 31, 2013**

**SUNY Board Resolution on SUNY Seamless Transfer Requirements  
And A.A.S. and A.O.S Degrees**

Whereas, A.A.S. and A.O.S. degrees are neither intended nor designed as transfer degrees, as per NYSED's Comprehensive Guidance Document for Program Registration and SUNY's Handbook for the Submission of Undergraduate Academic Programs; and

Whereas, the SUNY Board of Trustees Resolution adopted in December 2012 entitled "SUNY Seamless Transfer Requirements" does not reference A.A.S. or A.O.S. degrees; and

Whereas, the Memorandum to Presidents dated June 13, 2013, offering policy and guidance on the implementation of the SUNY Seamless Transfer Requirements clearly states that "A.A.S. degree programs are intended to prepare students for immediate employment rather than transfer" and discusses implementation of the resolution in terms of A.A., A.S., and baccalaureate degrees only;

Therefore, be it resolved, that the Faculty Council of Community Colleges concurs with the Student Mobility Committee's Recommendations to the Provost, dated April 11, 2013, specifically,

RECOMMENDATION: The committee unanimously agreed that the more important criterion in this case is the two years of full-time study for an applicable Associate's degree, and four years full-time study for a Bachelor's.

RECOMMENDATION: The committee unanimously believes that it is inappropriate to include any degree other than those designed for transfer, the A.A. and A.S., in a Board Resolution and subsequent MTP that includes "Seamless Transfer" in their title. Although some students may transfer upon the completion of an A.A.S. (or even an A.O.S.) program, such programs have been created for other purposes, such as ready employment, and they should not be considered as "transfer degrees."

Be it further resolved that the Faculty Council of Community Colleges strongly recommends that the SUNY Provost's Office clearly articulate to campuses that the A.A.S. and A.O.S. degrees are not subject to the stipulated regulations in the Policy and Guidance: Seamless Transfer Requirements, Memorandum to Presidents, dated June 13, 2013, so as to assist campuses in their efforts to fully implement the Seamless Transfer Requirements resolution and help them avoid any undue confusion.

*Background Statement:*

In the SUNY Board of Trustees Resolution of December 2012 entitled SUNY Seamless Transfer Requirements, Resolved Clause #7 states:

Associate degree programs shall generally require no more than 64 credits that can normally be completed within two years of full-time study or the equivalent, and bachelor's degree programs shall require no more than 126 credits that can normally be completed within four years of full-time study or the equivalent, unless there is a compelling justification.

Although the rest of the resolution specifically refers to A.A. and A.S. degrees (transfer degrees), this clause refers to the more general associate degrees. Given the context of the entire resolution, it must be assumed that the SUNY trustees intended this clause to also refer to the A.A. and A.S. degrees; however, because of the ambiguity of the language of the above clause, there has been some confusion as to whether or not A.A.S. and A.O.S. degrees are subject to the 64-credit cap. The Memorandum to Presidents outlining implementation guidelines for the resolution does not resolve this confusion. This resolution is asking for a clear statement from SUNY to indicate that the referenced SUNY Board resolution does not apply to non-transfer degrees, specifically, that the A.A.S. and the A.O.S. degrees are not subject to the 64-credit cap.

Endorsement of Faculty Council of Community Colleges Resolution in Opposition to a  
*De Facto* Core Curriculum

Resolved: That the Academic Senate of Nassau Community College hereby endorses the following resolution passed by the SUNY Faculty Council of Community Colleges

Faculty Council of Community Colleges Executive Committee Resolution #ASA2: 2013-2014  
Passed unanimously, October 19, 2013

Resolution in Opposition to a *De Facto* Core Curriculum

Whereas the Faculty Council of Community Colleges supports the general principle that transfer within the SUNY System should be as seamless as possible and that timely degree completion should be a high priority, and

Whereas the SUNY Board of Trustees has adopted Resolution 2012-089 which delineates policies for Seamless Transfer within the SUNY System, and

Whereas the faculty appointed by the SUNY Provost to the Discipline Panels worked in good faith and with the understanding that they were recommending courses that would be assured of transfer but not required for degree completion, and

Whereas the SUNY Board of Trustees Resolution 2012-089 states “Each undergraduate curriculum with a transfer path shall require students to complete the number of major courses in the path that will achieve true junior status, as well as associated cognate courses, within the first two years of full time study,” and

Whereas the requirement of SUNY General Education within the first 60 credits of a degree as outlined in the Memorandum to Presidents regarding Policy and Guidance: Seamless Transfer Requirements, dated June 13, 2013, in combination with the transfer path courses, which are now required and not recommended, creates a *de facto* core curriculum which has not been developed through established shared governance procedures, and

Whereas the principles of academic governance are articulated in the American Association of University Professors’ (AAUP) *Statement on Government of Colleges and Universities* Section V in which the role of the faculty in institutional governance is defined as follows, “The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process,” therefore be it

Resolved, that the Faculty Council of Community Colleges is opposed to the mandated *de facto* core curriculum which was not approved through a shared governance process, and

Resolved that the Faculty Council of Community Colleges respectfully calls upon the SUNY Board of Trustees to direct SUNY System Administration to suspend implementation of Seamless Transfer Requirements as delineated in the Memorandum to Presidents, dated June 13, 2013, and be it further

Resolved that the Faculty Council of Community Colleges respectfully calls upon the SUNY Board of Trustees to direct SUNY System Administration to engage in established state and local campus shared governance processes prior to implementation of Resolution 2012-089: Seamless Transfer Requirements.

#### Resolution for the Curriculum Committee to Postpone Voting on Ad Hoc Seamless Transfer Committee proposal

Resolved that given the endorsement of the Faculty Council of Community College’s Resolution in opposition to the *De Facto* Core Curriculum, the Senate directs the Curriculum Committee postpone voting on the Ad Hoc Seamless Transfer Committee proposal.

#### **Curriculum Committee**

##### Change in Course or Curriculum

ENG 100      Enhanced Composition (Change in classification)

**MEETING OF NOVEMBER 26, 2013**

**Academic Senate Executive Committee**

Endorsement of the Faculty Council of Community Colleges Resolution Supporting “Rational Revenue Plan” for the Community Colleges

Resolved: That the Academic Senate of Nassau Community College hereby endorses the following resolution passed by the SUNY Faculty Council of Community Colleges

Faculty Council of Community Colleges Resolution Supporting “Rational Revenue Plan” for the Community Colleges Resolution #G1: 2013-2014

WHEREAS the Faculty Council of Community Colleges recognizes the difficult fiscal environment New York State continues to face, but also understands the unique position of SUNY’s thirty community colleges to address the increasing needs of high school graduates and adults seeking to enhance their academic skills and employment opportunities, the needs of the region’s business community for qualified employees, and the need to create the work force required to catalyze new industry and economic prosperity; and

WHEREAS the State currently provides \$2422 for each full-time-equivalent student, which, although \$150 more per FTE than last year, nevertheless is 9 percent below the \$2675/FTE that it provided at the start of 2009-10; and

WHEREAS last year’s \$150 partial restoration, while greatly welcomed, fell short of what was urged by the New York Community College Association of Presidents (NYCCAP) five year “Rational Revenue Plan” for returning the State to its mandated 33.3 percent contribution; and

WHEREAS, most County sponsors remain unable to increase their contribution to operating costs; and

WHEREAS, this has put the burden of funding the community colleges on the students in the form of substantial increases in tuition; and

WHEREAS, the community colleges have responded to budgetary pressures by taking such actions as decreasing full time faculty, curtailing student services, cutting programs, and deferring needed maintenance of physical plants, all of which have direct negative impact on the students of the community colleges; and

WHEREAS, appropriate funding of the community colleges represents an investment in the economic recovery and continued economic health of the state and a commitment to providing affordable and accessible higher education to New York’s citizens; and

WHEREAS, SUNY and the New York Community College Association of Presidents (NYCCAP) have proposed a “Rational Revenue Plan” for the community colleges that would bring the State closer to its statutory funding obligation, be it therefore

RESOLVED, that the Faculty Council of Community Colleges continues to endorse the NYCCAP “Rational Revenue Plan;” and be it further

RESOLVED, that the Faculty Council of Community Colleges recommends to the Governor and the State Legislature an annual increase of \$250 per FTE in State aid for 2013–2014 to offset the shortfall from the five-year plan request for 2012–2013; and be it further

RESOLVED, that the Faculty Council of Community Colleges strongly recommends to the Governor and the State Legislature annual increases of \$250 per FTE in State aid over each of the subsequent two years of the plan, beginning in 2014–2015, which will increase the State’s share of operating costs to its statutory obligation of 33.3% by 2016–2017.

### **Curriculum Committee**

#### Change in Course or Curriculum

Marketing, Retailing, Fashion Buying Merchandising, Fashion Design & Interior Design

- A.A.S. Marketing Program (change in curriculum CMP 115)
- A.A.S. Marketing Program (change in curriculum MAT 102)
- INT 103 Trends in Furniture and Lighting Design (change in course)
- INT 105 Resources and Materials (change in course)
- INT 107 Professional Practices and Business Techniques (change in course)
- INT 201 Interior Design Studio II (change in course)
- INT 203 Presentation Techniques for Interior Designers (change in course)
- INT 301 Interior Design Studio III (change in course)
- INT 401 Interior Design Studio IV (change in course)

### **MEETING OF FEBRUARY 11, 2014**

### **Curriculum Committee**

#### New Course

SPS 103                      Academic Success

### **First-Year Experience Committee**

#### Resolution to Form Appointed Standing Committee on the **First-Year Experience**

**WHEREAS** assisting students in their transition to college through such independent programs as New Student Orientation, NCC 101, and Freshman Learning Communities has long been a mission of Nassau Community College, and

**WHEREAS** successful college transitions involve the acquisition of important academic and social skills, relevant college information, and appropriate attitudes toward education and learning, and

**WHEREAS** many institutions, both two-and four-year, view first-year experience programs as playing a critical role in welcoming students to the campus, stressing the importance of learning and academic achievement, and encouraging participation in campus life, and

**WHEREAS** over the past twenty-five years many campus committees and other groups, such as the Student Enrollment Management Committee (SEMC) and the Student Orientation and Retention (SOAR) Committee, have explored the philosophy, mission, and structure of first-year experience programs, and

**WHEREAS** the Ad Hoc Committee on the First-Year Experience, in continuing this work, has undertaken several initiatives, beginning in 2011-2012, that have fostered a supportive environment for student learning and academic success, and

**WHEREAS** these initiatives have helped students make connections with their classmates, professors, courses, and the campus at large, and

**WHEREAS** the ongoing development of a First-Year Experience program should be a permanent part of the College's commitment to the students' education to enhance the integration of the community college culture in students' lives, thus promoting persistence, retention, and academic success, and

**WHEREAS** the expansion and development of the First-Year Experience would be enriched by broad participation of the campus community,

**THEREFORE, BE IT RESOLVED**, that the Ad Hoc Committee on the First-Year Experience become a standing appointed committee of the Academic Senate beginning in the 2014-2015 academic year, and

**BE IT FURTHER RESOLVED**, that the Committee's bylaws, charges, and membership, as stated below, be adopted.

### **FIRST-YEAR EXPERIENCE COMMITTEE**

Perform the duties prescribed in the bylaws as follows:

1) **Duties (bylaws)**

- A. To develop a comprehensive first-year experience program for incoming students that will assist in their transition to college, foster learning and engagement, improve retention, and invite student participation in the academic and social life of the College.
- B. To conduct curricular and co-curricular programs and activities that connect students with their classmates, their professors, their courses, the campus, and the community.
- C. To provide students with shared academic experiences.

- D. To engage students in activities that foster a sense of belonging and help develop civic responsibility.
- E. To work with other constituencies on campus to better serve first-year students

## 2) Membership

### A. Fifteen (15) Standing Representatives

1. Dean of Students
2. Dean, Center for Service Learning
3. Academic Dean
4. Coordinator of Student Activities
5. Learning Communities Coordinator
6. NCC 101 Coordinators
7. Student Personnel Services Department Representative
8. Library Department Representative
9. Reading / Basic Education Department Representative
10. Mathematics / Computer Science / Information Technology Department Placement Coordinator (or designee)
11. English Department Placement Coordinator (or designee)
12. Academic Chairpersons Committee Representative
13. Academic Advisement Center Representative
14. Admissions Office Representative

### B. Eight (8) appointments from academic departments not representative in Group A (above) – two from each of the following areas: \*

- **Social Sciences Departments** – (Africana Studies, Economics/Finance, History/Political Science/Geography, Psychology, Sociology/Anthropology/Social Work)
- **Natural Sciences Departments** – (Allied Health Sciences, Biology, Chemistry, Engineering/Physics/Technology, Physical Sciences)
- **Humanities Departments** – (Art, Communications, Foreign Languages, Music, Philosophy, Theatre/Dance)
- **Discrete Degree Departments** – (Accounting/Business Administration, Administrative Business Technology, Criminal Justice, Health/Physical Education/Recreation, Hospitality Business, Marketing/Retailing/Fashion Buying and Merchandise/Fashion Design/Interior Design, Legal Studies, Mortuary Science, Nursing)

### C. Five (5) appointments from any academic department

### D. Two (2) students (appointed by Student Government Association)

\* If not enough faculty from a specific academic area (Group B) wish to be

appointed, that area's unfilled seat(s) will be allocated to Group C.

**TOTAL: 30**

## **MEETING OF MARCH 18, 2014**

### **Curriculum Committee**

#### Change in Course

NTR 158                      Social and Cultural Aspects of Food

### **Academic Senate Committee**

#### Resolution in Opposition To Changes in the SUNY Program Review Form

**Whereas**, current SUNY policy requires that proposals for new Associate Degrees include documentation that program graduates will be able to transfer "into at least two registered baccalaureate programs," and complete them within two additional years of full-time study, and

**Whereas**, a newly proposed SUNY Program Review Form used for the approval of new degrees requires that program graduates be able to transfer "into at least two parallel *SUNY* baccalaureate programs," and complete them within two additional years of full-time study, and

**Whereas**, this change was made by the Provost's Office without input from the Faculty Council of Community Colleges, the SUNY Student Mobility Steering Committee or other governance bodies, and

**Whereas**, Nassau Community College currently has approximately thirty discrete AA and AS degree programs, and

**Whereas**, Nassau Community College currently has approximately twenty-five discrete AAS degree programs, and

**Whereas**, Nassau Community College graduates transfer to a variety of SUNY, CUNY, private or out-of-state schools, and

**Whereas**, depending on an individual student's academic, financial and personal needs, SUNY schools may not be the best choice for that student, and

**Whereas**, Nassau Community College has an obligation to meet the needs of all of its students, and

**Whereas**, Transfer Paths are intended to facilitate student transfer within the SUNY system by guaranteeing transfer of appropriate courses, and

**Whereas**, requiring articulation agreements with two SUNY schools would therefore be redundant, be it therefore

**Resolved** that the Academic Senate of Nassau Community College opposes the requirement of articulation agreements with two SUNY baccalaureate programs, and be it further

**Resolved** that the Academic Senate of Nassau Community College calls for the SUNY Provost's Office

to retain the existing requirement of articulation agreements with at least two registered baccalaureate programs so that all SUNY campuses are able to meet their students' individual needs.

### **Honors Committee**

#### Resolution to Change Name of Honors Program to the "Carol Farber Honors Program at Nassau Community College."

**Whereas**, Professor Carol Farber revised and reestablished the Honors Program at NCC in 1982, and

**Whereas**, Professor Carol Farber was the coordinator of the Nassau Community College Honors Program for thirty-one years, and

**Whereas**, the Honors Program under Professor Farber's direction became a tremendous success for all those years, serving thousands of students,

**Whereas**, under Professor Farber's direction, the Nassau Community College Honors Program was recognized in the mid 1980's by SUNY as a "Premier Honors Program," and

**Whereas**, Professor Farber knew and enhanced the academic and professional careers of thousands of students through the classroom, advisement, the Honors Club, Phi Theta Kappa, the Office of Academic Affairs, and

**Whereas**, Professor Farber retired from Nassau Community College in December, 2013 and will no longer direct the Honors Program at Nassau Community College.

**Be it resolved** that Nassau Community College formally recognize Professor Carol Farber for her vision, dedication, and hard work throughout her years developing the Honors Program, and

**Be it further resolved** that the name of the Nassau Community College Honors Program be officially changed to "The Carol Farber Honors Program at Nassau Community College."

### **MEETING OF APRIL 22, 2014**

#### **Curriculum Committee**

##### Change in Course

MDC 120                      Science, Technology and Society

##### New Program

Engineering/Physics/Technology: Sustainable Design and Renewable Energy Certificate

## **Academic Standing Committee**

### Resolution on Membership of the Academic Standing Committee

**Whereas**, the Academic Standing Committee [ASC] has been charged with reviewing the membership of the committee and making recommendations as needed, and

**Whereas** the ASC membership list currently has two non-voting members: “a representative from the Center for Educational and Retention Counseling if the elected representative from Student Personnel Services is not an educational counselor” and “a representative from the Academic Advisement Center appointed by the Director of the Academic Advisement Center,” and

**Whereas** both of these members bring critical expertise to this committee’s deliberations, and

**Whereas**, although there may be a second, nonvoting representative from Student Personnel Services [SPS] appointed by the Chair of SPS if the elected representative is not a counselor in the Center for Educational and Retention Counseling [CERC], there is also always an elected representative of SPS who does have a vote; and

**Whereas**, in contrast, the Academic Advisement Center never has a voting member under any circumstances, and

**Whereas**, the ASC unanimously believes that the representative from the Academic Advisement Center should be a voting member, therefore be it

**Resolved**, that the voting status of the representative from the Academic Advisement Center be changed from non-voting to voting, and be it further

**Resolved**, that the membership of the Academic Standing Committee be revised as follows

### **ACADEMIC STANDING**

#### **Membership**

##### Standing Representation:

Vice President for Academic Affairs or designee

Vice President for Academic/Student Services or designee

Registrar or designee

Director of the Academic Advisement Center or designee

##### Other Representation:

One (1) representative and alternate for each academic department elected by that department.

Students are to be appointed by the Student Government Association and they shall compose ten (10) percent of the total membership.

##### Non-voting Members

If the elected representative from Student Personnel Services is not a counselor in the Center for Educational and Retention Counseling (CERC), a second, nonvoting representative from the Center for Educational and Retention Counseling will be appointed by the Chairperson of Student Personnel Services.

## **Developmental Education Committee**

### Resolution to Amend Developmental Education Committee By-Laws

**WHEREAS** the Developmental Education Committee is charged with ensuring the welfare of students enrolled in developmental coursework in all area of the college community, and

**WHEREAS** faculty, administrators, and staff who serve on the Developmental Education Committee pledge their commitment to the success of these students through the oversight and creation of policies and procedures that enhance the academic lives of developmental students, and

**WHEREAS** the voting membership of the Developmental Education Committee has determined that the completion of its duties requires a change in the voting membership of its members, and

**WHEREAS** the voting membership of the Developmental Education Committee has unanimously agreed to this change in voting membership, therefore

**BE IT RESOLVED** that the by-laws of the Academic Senate be amended in Article IX, Section K, Developmental Education Committee, so that the membership of that committee shall be rewritten as

### **Membership**

#### Standing Representation

Chairs of Mathematics/Computer Science/Information Technology, English, Reading/Basic Education, Communications, and Student Personnel Services.

Dean of Admissions/Student Services

Coordinator of the BEP Program

Coordinator of the Center for Students with Disabilities

Coordinate of Placement, English Department

*Coordinator of ESL (English as a Second Language) Placement, English Department, ~~servicing in~~*

*Coordinator of NCC101*

Coordinator of Mathematical Remediation

Coordinator of Testing

Representative of the Office of Academic Affairs

NCCFT Representative

Student Government Association Representative

Individual designated by the Office for Academic Affairs to coordinate English as a Second Language.

#### Other Representation:

Three (3) faculty members appointed by the Appointments/Tellers/Election Committee, which will assure rotation of representation within the groups listed below:

Business: Accounting/Business Administration, Hospitality Business, Legal Studies, Marketing/Retailing/Fashion Buying & Merchandising/Fashion Design & Interior Design, Office Technology

Health Sciences: Allied Health Sciences, Health/Physical Education/Recreation, Mortuary Science, Nursing

Humanities: Africana Studies, Art, Foreign Language, Library, Music, Philosophy, Theatre/Dance  
Sciences: Biology, Chemistry, Engineering/Physics/Technology, Physical Science  
Social Sciences: Criminal Justice, Economics/Finance, History/Political Science/Geography, Psychology, Sociology/Anthropology & Social Work

## **Membership**

### **Standing Representation**

Chairs of Mathematics/Computer Science/Information Technology, English, Reading/Basic Education, Communications, and Student Personnel Services  
Dean of Admissions/Student Services  
Coordinator of the BEP Program  
Coordinator of the Center for Students with Disabilities  
Coordinate of Placement, English Department  
*Coordinator of ESL (English as a Second Language) Placement, English Department*  
*Coordinator of NCC101*  
Coordinator of Mathematical Remediation  
Coordinator of Testing  
Representative of the Office of Academic Affairs  
NCCFT Representative  
Student Government Association Representative  
Individual designated by the Office for Academic Affairs to coordinate English as a Second Language.

### **Other Representation:**

Three (3) faculty members appointed by the Appointments/Tellers/Election Committee, which will assure rotation of representation within the groups listed below:

Business: Accounting/Business Administration, Hospitality Business, Legal Studies, Marketing/Retailing/Fashion Buying & Merchandising/Fashion Design & Interior Design, Office Technology  
Health Sciences: Allied Health Sciences, Health/Physical Education/Recreation, Mortuary Science, Nursing  
Humanities: Africana Studies, Art, Foreign Language, Library, Music, Philosophy, Theatre/Dance  
Sciences: Biology, Chemistry, Engineering/Physics/Technology, Physical Science  
Social Sciences: Criminal Justice, Economics/Finance, History/Political Science/Geography, Psychology, Sociology/Anthropology & Social Work  
Social Sciences: Criminal Justice, Economics/Finance, History/Political Science/Geography,

## **MEETING OF MAY 13, 2014**

### **Planning Committee**

#### **Resolution to Change the Name of the Planning Committee to the Strategic Planning Committee**

**WHEREAS**, the current title of the Planning Committee does not include the word “strategic”; and

**WHEREAS**, other schools and Middle States use this language; and

**WHEREAS**, this bylaw was unanimously approved by the Bylaws Subcommittee on March 25, 2014 and the Planning Committee on April 3, 2014

**THEREFORE BE IT RESOLVED** that the Academic Senate Planning Committee name be officially changed to the Academic Senate Strategic Planning Committee.

### **Planning Committee**

#### **Resolution on the Planning Committee Officers Election and Extended Term**

**WHEREAS**, the Planning Committee of the Academic Senate facilitates the development of the Strategic Plan for the College; and

**WHEREAS**, the Planning Committee works to ensure that the College meets Middle States requirements; and

**WHEREAS**, the Planning Committee membership operates on a 4-year term; and

**WHEREAS**, continuity for Planning Committee Officers is vital to the success of the Committee, the Planning Committee Officers term should be extended to 2-year terms; and

**WHEREAS**, this bylaw was unanimously approved by the Bylaws Subcommittee on March 25, 2014 and the Planning Committee on April 3, 2014

**THEREFORE BE IT RESOLVED** that starting with the Fall 2014 election, the Planning Committee Officers be elected for 2-year terms for continuity in leadership to carry out the charges and duties of the Planning Committee.

## **Affirmative Action Committee**

### Resolution to Revise the NCC Sexual Harassment Policy

**WHEREAS** the Affirmative Action Committee is charged with educating the college community on issues regarding sexual harassment, and

**WHEREAS** the existing Sexual Harassment Policy was last modified on May 15, 2004, and

**WHEREAS** laws and court cases have changed the rules, regulations, and perceptions around sexual harassment during the last ten years, and

**WHEREAS** the Office of Civil Rights, United States Department of Education, issued a “Dear Colleague” letter on April 4, 2011 that significantly changed the rules, regulations, and perceptions surrounding sexual harassment, and

**WHEREAS** the “Dear Colleague” letter presents a very strong statement about sexual violence qualifying as sexual harassment with even a single, severe incident constituting sexual harassment, and

**WHEREAS** the “Dear Colleague” letter indicates that off campus activities are specifically included as a part of the College’s responsibility regarding sexual harassment, with the College mandated to take action in such cases, and

**WHEREAS** all employees must be trained to report sexual harassment allegations, and

**WHEREAS** third parties (non-students) are protected when participating in College activities, and

**WHEREAS** the “Dear Colleague” letter clarifies College responsibility to keep records of complaints about a harasser and clarifies school responsibility if a complainant requests confidentiality or refuses to pursue an investigation, and

**WHEREAS** grievance procedures should be on the College website and communicated electronically, and

**WHEREAS** criminal investigation into allegations of sexual violence does not relieve the College of its Title IX obligation to resolve complaints and to document all proceedings, such obligation continuing throughout criminal investigation/procedures and occurring concurrently, and

**WHEREAS** the standard of proof for school investigation is now defined as “preponderance of the evidence”, and

**WHEREAS** adjudicators must be trained/have experience in handling sexual harassment/sexual violence complaints, and

**WHEREAS** the “Dear Colleague” letter requires that the College maintain and communicate a list of remedies in sexual harassment situations, for the complainant and for the broader student

population, and

**WHEREAS** these new regulation are mandatory for colleges receiving federal assistance, and

**WHEREAS** such changes necessitate bringing the Nassau Community College Sexual Harassment Policy into alignment with these updated rules, regulations, and perceptions surrounding sexual harassment, and

**WHEREAS** the Sexual Harassment Education subcommittee of the Affirmative Action Committee has consulted various campus constituencies about many draft revisions of the existing Policy, therefore

**BE IT RESOLVED** that the Nassau Community College Sexual Harassment Policy be revised as attached

# NASSAU COMMUNITY COLLEGE POLICY AGAINST SEXUAL HARASSMENT

## **PART I. SCOPE, POLICY, AND DEFINITIONS**

### **I-A Scope**

This policy applies to all members of the Nassau Community College community (hereinafter “College” or “NCC”) and as such all community members may use the procedures set forth herein. However, volunteers and visitors to the College, including but not limited to vendors and service-providers, must abide by the guidelines laid out by this policy.

### **I-B Policy**

Consistent with the College’s mission to establish and maintain a cooperative work and academic environment with mutual respect for all college students, faculty, and staff, it ensures that the dignity and worth of all members of the institutional community are respected. In keeping with this principle, Nassau Community College affirms its commitment to maintaining an environment free from all forms of exploitation, intimidation, or harassment, including sexual harassment.

Sexual Harassment is demeaning, offensive, illegal, and prohibited by Nassau Community College Policy. Sexual Harassment subverts the mission of the College and undermines the educational process. It creates an atmosphere that is not conducive to learning and productivity. Sexual Harassment will not be tolerated. This includes workplace as well as “peer to peer” (student to student) harassment.

Nassau Community College is committed to all provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and all other applicable human rights and equal opportunity laws. These laws prohibit discrimination on the basis of sex in employment and within educational programs. Any discrimination and/or sexual harassment hereunder are violations of this Policy.

It is the policy of Nassau Community College that all forms of sexual harassment should be corrected early and firmly in the interest of maintaining a barrier-free working and learning environment. All violations hereunder will be corrected in a timely manner and in accordance with the policy and procedures set forth herein.

NCC is committed to the principle of academic freedom and this policy shall not be interpreted as interfering with that freedom, understanding that the principle of academic freedom is accompanied by a corresponding principle of responsibility.

### **I-C Definitions of Sexual Harassment**

Sexual harassment is defined under both Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Prohibited under this policy are:

1. “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual violence, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.” (Title VII of the Civil Rights Act of 1964 and its amendments and 29 Code of Federal Regulations, Volume 4, §1604.11);

2. harassment of students by any community members, by peer to peer and/or employee to employee (including supervisor to subordinate). Sexual harassment may also consist of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where grades or educational progress are made contingent upon submission to such conduct, or where the conduct has the purpose or effect of interfering with the individual's academic and/or work performance, or of creating an intimidating, hostile, or offensive educational and/or work environment. (Title IX of the Education Amendments of 1972);

3. harassment in connection with all academic, educational, extracurricular, athletic, and other programs of the College is prohibited whether on college facilities, on a college van or bus, or during any other College sponsored off-campus activity;

4. Sexual violence is a form of sexual harassment and is strictly prohibited under law and under this policy. Sexual violence involves physical acts and/or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to his/her age, use of drugs or alcohol, or due to a mental and/or physical disability whether permanent or temporary in nature. Sexual violence includes but is not limited to: rape, sexual assault, sexual battery, and sexual coercion; and

5. Sexual harassment can also include, but is not limited to, such actions as:

- a. Sex-oriented humor or abuse that includes derogatory or dehumanizing gender references.
- b. Physical contact such as patting, pinching, or frequently and intentionally brushing against another's body.
- c. Subtle or overt pressure for sexual activity.
- d. Preferential treatment or suggestions of preferential treatment conditioned on submitting to sexual conduct (often referred to as “quid pro quo” harassment)
- e. Use of e-mail, cell-phones, electronic messaging and/or computer dissemination of sexually oriented, sex-based communication with intent to harass, threaten or alarm another person.

Sexual harassment may consist of repeated actions or may arise from a single incident if sufficiently severe. What constitutes sexual harassment under this policy will be decided on a case-by-case basis and depends on the specific facts and the context in which the conduct occurs. Some conduct may be inappropriate, unprofessional and/or subject to disciplinary action, but

might not fall under the definition of sexual harassment. The specific action taken, if any, depends on the nature and gravity of the reported conduct.

### **I-D Consensual Relationships**

Consenting romantic and sexual relationships between a College employee and student or between two College employees, including supervisor-employee relationships, while not expressly forbidden, are discouraged. These relationships carry an inherent risk when they occur between instructor and student or between supervisor and subordinate due to the perceived or actual inequality of power and influence between the participants. As such, it is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted. Individuals engaging in such conduct understand they risk opening themselves up to a charge of sexual harassment.

## **Part II. FUNCTIONS AND DUTIES OF EMPLOYEES**

Part II of this policy sets out the functions and duties of employees designated to receive complaints, handle investigations, counsel complainants, and seek resolution along with the general responsibilities of all College employees to create a harassment free environment.

### **II-A. Complainant Resources**

#### **1. Affirmative Action Officer**

The College's Affirmative Action Officer (hereafter "AAO") shall serve as the Title IX Coordinator and the Chief Investigative Officer for the purposes of pursuing informal and formal resolution of complaints. The AAO is responsible for educating College personnel and students regarding their responsibilities and rights under this policy and under federal and state regulations. The AAO shall collaborate with all appropriate constituents, including the Academic Senate and its committees, in accordance with the College commitment to shared governance, labor agreements and federal standards for Title IX Coordinator. Appendix A details the specific responsibilities of the Affirmative Action Officer.

#### **2. Designated Investigative Officer**

The College President shall appoint a member of the administration or faculty as a Designated Investigative Officer (DIO) to serve as called upon by the AAO or another member of the college community. When called upon, the DIO shall have the responsibilities of the AAO as it relates to hearing complaints brought by students or college personnel, ensuring that complainants and the accused are informed of their options under this policy, and conducting an investigation under the supervision of the AAO (except when the AAO, the College President, or a member of the Board of Trustees is the subject of investigation. Appendix A details the specific responsibilities of the Designated Investigative Officer.

#### **3. Designated Sexual Harassment Counselors**

The AAO office shall maintain a list of qualified Designated Sexual Harassment Counselors (hereinafter referred to as the "List" and "Designated Counselors" or "DC" respectively) The Student Personnel Services chairperson, with the advice and consent of that Department's P & B

Committee, shall submit the names of Student Personnel Services' full-time faculty with sexual harassment counseling credentials to the AAO. Other full-time faculty or Administrators who wish to serve in this capacity and who have the required credentials as determined by Student Personnel Services may be included on the List. Final approval of all appointees to the List rests with the College President in consultation with the AAO.

The College shall, as needed, provide sexual harassment training for the Designated Counselors.

The Designated Counselors:

- a. shall provide education and counseling support, as appropriate, to members of the college community seeking information and/or help with sexual harassment issues;
- b. may act as facilitators on behalf of the complainant;
- c. shall inform complainants of their options under the sexual harassment policy;
- d. shall offer supportive counseling;
- e. shall assist complainants throughout their decision-making process and in the resolution of the complainants' concerns;
- f. if so requested by the complainants, shall accompany complainants to meetings arranged by the AAO or DIO;
- g. shall submit a Situation Report of all alleged incidents of sexual harassment to the AAO.

#### **4. Reporting Responsibilities of Employees**

To facilitate the reporting of sexual harassment complaints and eliminate alleged harassment as soon as possible, the College recognizes that training needs to be provided to certain College employees likely to witness or receive reports of sexual harassment and sexual violence. The College will offer such training to faculty, public safety employees, Department Chairs, College administrators, counselors, college attorneys, health personnel, and CSEA supervisors. Such training will ensure that the above-referenced employees:

- a. know how to direct the report of harassment to the appropriate College officials; and
- b. have practical information about how to identify potential and/or alleged sexual harassment and violence

To the extent permitted by law, these individuals must report all allegations, reports and incidents of sexual harassment that come to their attention by filing a Situation Report with the AAO. All such reports must be filed no later than forty-five (45) working days from the date the complaint was received or such incident(s) came to their attention. However, in allegations involving actual or threatened physical violence, the reporting employees listed just above in IIA (e) must file the report with Public Safety promptly upon hearing of the alleged incident.

## **II-B Third Party Complaints**

Any College employee, other than those mentioned above in IIA (e), who reasonably believes that sexual harassment may have occurred may report it to the AAO or DIO. Additionally, any persons not members of the College Community who reasonably believe that sexual harassment has occurred may report it to the AAO, DIO, or Public Safety.

## **II-C Reporting Circumstances**

Three reporting circumstances exist: Circumstance 1, where the complainant wishes to remain anonymous and will not go forward with a complaint; Circumstance 2, where the complainant wishes to seek a remedy/resolution to the Complaint; and Circumstance 3, where there is no active complainant but the College has become aware of an alleged or credible possibility of an incident of sexual harassment.

1. Circumstance 1: The complainant wishes to remain anonymous and will not file a Complaint.  
Where the complainant is a College employee or student, the AAO, DIO or DC must explain to the complainant at the first meeting his/her rights and options under this Policy as well as the Time Limitations for filing a Complaint under this Policy. If the complainant still does not wish to file a Complaint, the AAO, DIO, or DC will file a Situation Report, which will be filed and maintained by the AAO. If the complainant has met with other individuals having “Reporting Responsibilities” (section IIAe above), that individual will advise the complainant to the extent outlined there. The employee with “Reporting Responsibility” will file a Situation Report with the AAO.
2. Circumstance 2: The complainant wishes to file a Complaint  
Where the complainant is a College employee or Student and has decided to file a Complaint for a Stage 1,2 or 3 procedure, the AAO, DIO or DC must explain to the complainant at the first meeting her/his rights and options under this policy, the time limitations for filing a Complaint, and the Complaint procedure under this Policy. If the complainant has not met with the AAO, DIO or a DC but has met with another individual with “Reporting Responsibilities” (section IIAe above), that individual will advise the complainant and direct the Complainant to the AAO to file a formal Complaint as well as file a Situation Report with the AAO.
3. Circumstance 3:  
If the AAO, DIO or DC becomes aware of a credible anonymous allegation of sexual harassment, sexual violence or a threat of such harassment or sexual violence, a Situation Report must be filed and the AAO must institute an investigation.

## **II-C Complaint and Informational Forms**

The College has developed the documents listed below in order to prevent, investigate and resolve incidents of sexual harassment within the College community:

1. **Situation Reports:** A Situation Report is a written document that describes a set of circumstances reported to the AAO or DIO involving allegations of sexual harassment. Filed with the Affirmative Action Officer, it will be maintained in the Affirmative Action Office for a minimum of six (6) years. Situation Reports cannot, in the absence of a Complaint, be used to initiate disciplinary action. However, in the event a formal proceeding is initiated such report(s) may become part of an active case. The AAO will use his/her judgment as to whether or not to notify the Department Chair of a Situation Report. The AAO will notify the person in question at the appropriate time as determined by the AAO's judgment. That person has the option to submit a written rebuttal within ten days and have that document attached to the Situation Report.
2. **Complaint Form:** A Complaint Form must be completed to formally institute a Stage 1, 2 and 3 proceeding. All Complaints must be signed by the complainant and the AAO or DIO and dated. Complaint forms are to be filled out in the Affirmative Action office in the presence of the Affirmative Action Officer, and the original is kept in that Office...

## **II-D TIME LIMITATIONS**

College Employees have forty-five (45) working days from the last alleged incident of sexual harassment to make a complaint hereunder. Students have forty-five (45) working days from the last alleged incident of sexual harassment or forty-five (45) working days from the last official date to submit grades to the Registrar to make a Complaint hereunder.

The Time Limitation (for Employees and Students) is deemed tolled (suspended) on the first day the Complainant speaks to any of the individuals listed in this Policy under II-A for five (5) working days. After that the forty-five (45) day time limit commences to run again except when the Complainant is obtaining on-going counseling from a DC. When the Complainant is receiving on-going counseling from a DC, the Time Limitation to institute a Complaint under Part III is tolled (suspended) for ten (10) working days from the date the Complainant first reported the incident to the DC and then commences to run again.

## **II-E Confidentiality**

The Designated Counselors, those with "Reporting Responsibilities (II-A(d)), AAO and DIO are not obligated to elicit names or include names in the Situation Report where the Complainant has requested anonymity. If names are known, the reporting employee will consider the complainant's wishes as to whether or not to include them in the report. However, where the allegation alleges sexual violence or the threat of sexual violence, then the Situation Report must include names where these are known.

Every possible effort will be made to maintain the confidentiality of the Complainant and Respondent. However, absolute confidentiality cannot be guaranteed.

## **PART III COMPLAINT AND RESOLUTION PROCEDURES**

Part III of this policy sets out the complaint procedure for the enforcement of this policy. There are two types of procedures: Informal and Formal. The latter is comprised of three stages. Allegations involving sexual assault cannot be resolved using Stage 1 or Stage 2, but must commence at Stage 3.

### **III-A Informal**

There are instances where the complainant does not wish to file a Complaint or seek a formal resolution but prefers to informally resolve the problem.

Where the complainant has discussed the matter with the AAO, DIO or DC or any College community member with “Reporting Responsibilities”, that individual will proceed as required in II-C.1. Where a Situation Report is filed it may not be used as the basis for any further disciplinary action or investigation and may not be put into a personnel and/or student file.

The complainant and/or Respondent are not obligated to further inform the above-referenced third parties of a resolution, if any, to the alleged complaint.

The use of an Informal Resolution does not preclude the complainant from seeking further redress under III-B provided a formal complaint is made within the Time Limitation prescribed in II-E.

### **III-B Formal:**

#### **Three stages**

This policy provides for three stages for the resolution of allegations of sexual harassment:

#### **Stage 1: Conciliation**

#### **Stage 2: Mediation**

#### **Stage 3: Formal Hearing**

### **III-C INITIATING A COMPLAINT**

A signed Complaint form must be filed with the AAO or DIO in a timely manner (as prescribed hereunder in II-E “Time Limits”).

Complainants have the option of initiating Stage 1, 2 or 3 procedures except where the Complaint alleges sexual assault. Such cases are automatically the subject of a Stage 3 procedure. The College will pursue a Stage 3 investigation and procedure even when the complainant chooses to pursue other legal remedies and/or where other criminal agencies are involved.

### **III-D RESOLUTION PROCEDURES**

#### **III-D.1 STAGE 1: Conciliation**

Most complaints are best resolved by the use of Stage 1 and the College urges all Complainants, whenever feasible, to use this stage. While it is referred to as Conciliation, this procedure and its

outcome are considered official. During Stage 1 the Complainant must meet with the DC and file with the AAO a signed Complaint outlining the harassment allegations (where there already exists a Situation Report on the incident the DC will append the complaint to that Situation Report).

At this stage, the Complainant may decide, among other options, to resolve the situation individually, or to request that the DC speak to the Respondent on his/her behalf, and/or to request that the DC accompany him/her to meeting(s) with the Respondent. The AAO will be informed of the outcome of that meeting(s) and will add that resolution to the Situation Report. The resolution of a Stage 1 complaint (including the Situation Report) will not be sent to a college employee's personnel file or to a student file nor be the basis for any further discipline arising from the Complaint.

Any subsequent investigation of a sexual harassment complaint of sexual harassment involving the same Respondent may take into consideration information gathered from the first incident provided the subsequent incident occurs no more than six (6) years following the first incident.

At any time before the meeting the Complainant may decide to terminate such a meeting and proceed to Stage 2 or 3.

### **III-D.2 STAGE 2: Mediation**

Mediation is conducted by either the AAO or DIO (to be selected by the Complainant). The AAO or DIO shall attempt to facilitate/mediate a resolution of the alleged incident through meetings with all parties. The Respondent has the option of asking for a representative of his/her bargaining unit to attend any meetings as an observer.

The Complainant and Respondent need not meet together unless both parties agree. All parties will be given the opportunity to fully respond to all allegations. Every effort shall be made to ensure confidentiality. The Complainant and the Respondent may each be accompanied by up to two (2) observers.

The AAO will be informed of the outcome of the meeting(s) and will add that resolution to the Situation Report. The resolution of a Stage 2 Complaint (including the Situation Report) will not be sent to a college employee's personnel file or to a Student file nor be the basis for any further discipline arising from the Complaint.

Any subsequent investigation of a sexual harassment complaint involving the same Respondent may take into consideration information gathered from the first incident provided the subsequent incident occurs no more than six (6) years following the first incident.

### **III-D.3 STAGE 3: Formal Hearing**

Formal Stage 3 complaints shall be filed on a signed, written and dated Complaint form provided by the AAO or DIO and signed in the presence of the AAO or DIO. Within seven (7) working days of receipt of the signed Complaint from the Complainant, the Respondent shall be notified that the Complaint has been filed. Within one working day of receipt of the signed complaint from the Complainant, his/her Chair or Supervisor and the Respondent's union where applicable will be advised of the pending Complaint.

Within ten (10) working days from the receipt of the Signed Complaint the AAO or DIO (hereinafter as “Investigator”) will conduct a formal investigation, which will include but not be limited to:

- a. A review of all applicable materials, including any past Situation Reports concerning the Respondent. Parties may choose to provide materials to the Investigator;
- b. Interviews with any known witnesses, including witnesses provided by the parties to the proceeding; and
- c. Interview with the Complainant and Respondent. Complainant and Respondent may choose to have up to two (2) individuals of their choice (including attorneys and union representatives) present during such interviews. Every opportunity will be provided to Complainant to present evidence to prove that it was “more likely than not” that the harassment occurred. Every opportunity will be provided to the Respondent to present exculpatory evidence.

The Respondent and Complainant and their union representatives and attorneys will each be afforded the opportunity to see all the evidence, including but not limited to, documentation of the investigation, all written, oral and audio or video recordings collected by the AAO or DIO during the course of his/her investigation. Parties must be given the opportunity to respond to that evidence.

All fact-finding investigations shall be consistent with the Equal Employment Opportunity Commission’s and the Department of Education’s guidelines involving allegations of Sexual Harassment. All evidence must be maintained and preserved.

At all stages of the investigation, both the Complainant and the Respondent may be accompanied by up to two (2) observers, including attorneys and union representatives, who can represent the Complainants and Respondent at their option.

The Investigator will maintain the confidentiality of all Parties involved to the extent feasible.

The investigation must be completed within forty-five (45) working days from the date of the formal Complaint unless one of the parties to the Complaint is either a student or faculty and the Complaint was filed in a manner that the investigation would have to wholly or partly be conducted during a College break. Any such break will toll (suspend) the time for the investigation’s completion. The time for its completion will begin to run again on the first day the College is officially back in session.

Upon conclusion of the investigation, the investigator has seven (7) working days to write a report and send it to the College President. That report must include:

- d. A finding of whether the allegations were warranted or not applying a preponderance of the evidence (“more likely than not”) standard that sexual harassment or violence occurred;
- e. A recommendation for a negotiated resolution if appropriate; and/or
- f. imposing of the sanction if warranted, which may include a recommendation for further disciplinary action.

On the same day the written report is sent to the College President it will be sent to the parties.

A summary of the report shall be sent to the Respondent's personnel file or if a student to the student's file once it is finalized after Presidential action and/or resolution of any appeal.

### **III D.4: SANCTIONS**

In the event the Affirmative Action Officer (or DIO) renders a finding that imposes sanctions, as stated above, then the issuance of sanctions shall be in accordance with the following procedure:

For employees covered by collective bargaining agreements, the issuance of sanctions shall be in accordance with disciplinary procedures under the appropriate collective bargaining agreement. For all others, the imposition of sanctions shall be in accordance with disciplinary procedures under the applicable College policy.

Sanctions may include, *but are not limited to*:

- Verbal warning
- Written Reprimand
- Probation
  - May include restriction of campus activities, counseling, community service, and monitoring of behavior for a period of time.
- Suspension
  - From school or work for a time period no less than five (5) consecutive business days, and no more than two (2) consecutive academic semesters
- Termination/Expulsion
  - Complete and permanent removal from the college community.

### **III D.5: PETITION FOR APPEAL**

Either party may bring a petition for an appeal of the decision made by the Affirmative Action Officer within seven (7) business days. A Petition for Appeal shall be made in writing to the College President and shall be hand delivered to the Affirmative Action Officer. If the Complaint is against the College President or a member of the Board of Trustees, the Petition for Appeal will be made to the Chair of the Board of Trustees (or to the Chair of the Board Personnel/Affirmative Action Committee if the respondent is the Chair of the Board of Trustees) and hand delivered to the Affirmative Action Officer.

#### **III D 5.1: APPEAL JUSTIFICATIONS**

The President has ten (10) business days to grant or deny a petition for appeal. The President's decision to grant the petition for appeal shall be based on reasonable justification, which may include, but is not limited to:

- Lack of fairness and/or due process during the complaint and investigative process
- The availability of new evidence that was not available during the Affirmative Action Officer's investigation

If the President denies the petition for appeal, he/she shall notify both parties.

The Chair of the Board of Trustees (or Board Personnel/Affirmative Action Committee as stated in IIID5 above) shall substitute for the College President if the complaint is against that President or a member of the Board of Trustees in this section and in section IIID5.2 below.

### **III D 5.2: APPEAL PROCESS**

If the President grants a petition for appeal, he will convene the Sexual Harassment Appeal Board and notify both parties.

The Sexual Harassment Appeal Board shall:

Interview the Affirmative Action Officer, review the petition, review the Affirmative Action Officer's investigation reports, and may interview witnesses. Both parties have the right to submit a written statement to the Appeal Board.

The Sexual Harassment Appeal Board may overturn the Affirmative Action Officer's decision or do one of the following:

- Reduce the severity of the sanction
- Increase the severity of the sanction
- Uphold the Affirmative Action Officer's decisions

The Sexual Harassment Appeal Board has ten (10) business days to review the case and to render a decision. If the deadline is not met, the Affirmative Action Officer's decision shall be final.

### **III D 5.3: THE SEXUAL HARASSMENT APPEAL BOARD**

There shall be a three-person Sexual Harassment Appeal Board, one member to be selected by the College Administration, one member selected by the appropriate Union, and both shall choose a third member. If a student is a respondent or complainant, the third member shall be chosen from the Sexual Harassment Education Subcommittee of the Academic Senate Affirmative Action Committee. The Appeal Board members plus alternates will serve for a staggered two year term. All Appeal Board members are required to go through training provided by the NCC administration at the beginning of his/her two year term, and cannot serve on the Appeal Board without completing this required training.

### **III D 5.4: OPTIONS FOLLOWING APPEAL BOARD ACTION**

In the event that one of the parties does not accept the Appeal Board's decision, the following options for recourse are available:

- a. In the case of a student or a non-bargaining unit employee, a complaint can be filed with an appropriate federal, state and/or County agency or agencies, such as the Equal Employment Opportunity Commission, New York State Human Rights Commission, United States Civil Rights Commission, or Nassau County Commission on Human Rights.

- b. In the case of a College employee, a grievance can be filed in accordance with the appropriate Collective Bargaining Agreement.

## **IV MISCELLANEOUS PROVISIONS**

### **IV-A Other Remedies**

Nothing herein prevents a Complainant from filing a complaint with the appropriate local, state or federal agency. In the event that the allegation concerns a criminal act, the Complainant may (if he/she has not done so already) file a criminal complaint with the appropriate local, state or federal authorities. Such complaint may be filed by the Complainant at any time and does not need to await a resolution of the college proceedings described in this policy.

### **IV-B FRIVOLOUS OR MALICIOUS CHARGES**

This policy shall not be used to bring frivolous or malicious charges against students or employees. Disciplinary action under the Student Code of Conduct or the appropriate personnel policies concerning personal misconduct may be taken against any person bringing a charge of sexual harassment in bad faith.

### **IV-C: RETENTION OF DOCUMENTS**

In accordance with the requirements of the State of New York Archives and Records Administration, the Affirmative Action Officer must retain the records acquired during the investigation (regardless of outcome) for up to six (6) years from the termination of the investigation.

### **IV-D: RETALIATION PROHIBITED**

No one presenting a complaint or allegation of sexual harassment or testifying in such a proceeding and/or investigation may be subject to reprisal or retaliation of any kind. Violations are subject to the appropriate disciplinary action.

### **IV-E: NOTICES**

All notices referred to in this policy shall be in writing and delivered via the U.S Postal Service with the exception of the petition for appeal (IID5), which must be hand delivered to the Affirmative Action Officer and signed for by the AAO or his office designee.

### **IV-F Interpretation of Policy**

This policy shall be interpreted to comply with all applicable federal, State and local laws and regulations.

## APPENDIX A

### 1 Investigative Functions and Duties of the Affirmative Action Officer

1. Receiving and or making Situation Reports and Complaints and maintaining these records on file;
2. Hearing complaints brought by students or employees of the College;
3. Ensuring that Complainants and Respondents are informed of their rights and options under this Policy;
4. Mediating between the parties;
5. Facilitating the filing of complaints;
6. Conducting an investigation subsequent to the filing;
7. Maintaining time logs of the investigations;
8. Reporting the findings to the President of the College;
9. Collecting statistics on sexual harassment incidents
10. Preparing an annual report for the College community, that shall include statistics, educational initiatives, overall monitoring efforts, and other activities. The report will be made available to the President's Cabinet, Academic Senate Executive Committee, the Academic Senate Affirmative Action Committee, and all other interested parties. This report will maintain the confidentiality of all parties;
11. Maintaining a list of approved Designated Sexual Harassment Counselors; Educating College personnel regarding their responsibilities and rights under this policy and under federal regulations, and working with the Academic Senate Affirmative Action Committee to educate and inform the College community about sexual harassment policies and issues.
12. Handling complaints, investigating, and following the procedures of this Policy should the subject of a complaint of sexual harassment be the College President or a member of the College Board of Trustees.

### 2. Investigative Functions and Duties of the DIO

1. Hearing complaints brought by students or employees of the College;
2. Ensuring that complainants are informed of their options under this policy;
3. Mediating between the parties;
4. Facilitating the filing of complaints;
5. Conducting an investigation subsequent to the filing;
6. Maintaining time logs and reporting thereon to the AAO; and
7. Reporting the findings to the College President.

The DIO shall be appropriately trained to carry out these duties.

## **APPENDIX B**

Nassau Community College Policy Against Sexual Harassment Brochure: This brochure will be distributed to all new faculty and staff, and electronically to incoming students at the start of each semester. Hard copies will also be made available in the offices of the Chair of Student Personnel Services, the Women's Center, Student Activities, Designated Counselors, Departmental Chairs, Public Safety, Academic Advisement, and the College Library.

## **APPENDIX C**

Individuals who file a Complaint with the College do not lose their right to pursue other remedies with the New York State Division of Rights, the Office for Civil Rights, Nassau County Human Rights Commission, or the Nassau County Police Department. In addition, sexual harassment may also rise to the level of a criminal offense as defined in Article 130 of the New York State Penal Code, and offenders may be subject to criminal prosecution regardless of any other remedies sought and implemented.