

**Academic Senate Resolution Book**  
**2015 – 2016**  
Nassau Community College  
<http://senate.ncc.edu/>

July 28, 2016

# **Resolutions**

Academic Senate

2015 – 2016

## Executive Committee

Evelyn Wortsman Deluty, Chair

David Stern, First Vice Chair

Paul Rosa, Second Vice Chair

Christopher Merlo, Secretary

Shadley Hobour, SGA Member

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• Change in Course: ENG 222 Latin American Literature .....	2
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## Meeting of September 29, 2015

### Calendar Committee

- Resolution on Fall, 2015 Emergency Make-Up Day  
This Resolution is included as Appendix [A](#)
- Resolution on the Scheduling of November 10, 2015  
This Resolution is included as Appendix [B](#)

## Meeting of October 27, 2015

### Curriculum Committee

- Change in Course
  - » ENG 243 Gay and Lesbian Literature
  - » ENG 263 The Modern American Short Story
  - » ENG 300/THR 300 Shakespeare Stage and Page
  - » ENG 301 Shakespeare's Comedies and Histories
  - » ENG 302 Shakespeare's Tragedies

### Developmental Education Committee

- Resolution on the Placement Testing Exemption Policy Revision 2015  
This Resolution is included as Appendix [C](#)

## Meeting of November 24, 2015

### Academic Standing Committee

- Resolution to Allow New Students No Longer Attending Nassau Community College to Increase the Number of Credits that May Be Transferred Back Toward a Degree or Certificate  
This Resolution is included as Appendix [D](#)

**Affirmative Action Committee**

- Resolution on Revision of the Nassau Community College Sexual Harassment Policy

Approved with one amendment, changing “The Respondent and Complainant and their advisors will each be afforded the opportunity to see the relevant evidence in the case file...” on Page 12 to “...the opportunity to see all the evidence in the case file...”

This Resolution is included as Appendix **E**

**Calendar Committee**

- Resolution on Emergency Make-Ups, Winterim, and Spring 2016

This Resolution is included as Appendix **F**

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This Resolution is included as Appendix **G**

**Curriculum Committee**

- Change in Course

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- » ENG 109 Composition II Honors
- » ENG 111 Technical Writing
- » ENG 220 Mythology and Folklore
- » ENG 222 Latin American Literature
- » ENG 228 Asian American Literature
- » ENG 236 Literature of the Bible
- » ENG 265 Modern American Poetry
- » ENG 267 Satire
- » ENG 298 Comedy
- » ENG 305 Modern American Novel
- » ENG 314 Children’s Literature

- Change in Curriculum

- » ABT 5 - AAS in Admin Bus Tech Medical
  - » ABT 6 - Certificate in Admin Bus Tech Medical
  - » ABT 7 - Certificate in Health Information Technology
  - » ABT 9 - AAS in Health Information Technology
  - » AS in Food Nutrition
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- » Certificate in Business Administration
- New Course
  - » CUL 101 Culinary Sanitation
  - » CUL 110 Introduction to Culinary Arts
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  - » NTR 201 Concepts of Nutrition
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### Meeting of December 22, 2015

#### Committee for Persons with Disabilities

- Resolution to Change the Bylaws to Make the TRIO Director a Permanent Member of the Committee for Persons with Disabilities  
This Resolution is included as Appendix **H**

#### Curriculum Committee

- Change in Course
    - » SCI 108 Climatology  
Changed to satisfy the Culture and Diversity requirement for Global Awareness and Non-Western Cultures.
  - Change in Curriculum
-

- » AS in Photography
- » Certificate in Photography
- New Course
  - » INT 204 Interior Lighting Design

### **Executive Committee**

- Endorsement of the Faculty Council of Community Colleges' Rational Revenue Plan for the Community Colleges  
This Resolution is included as Appendix I

## **Meeting of February 9, 2016**

### **Academic Senate**

- SUNY Excels/PIP Resolution

The following resolution from the floor was approved: A resolution urging the Administration to request that SUNY remove the narrative of the SUNY Excels Performance Improvement Plan from their website because of the inaccurate representation of Nassau Community College.

### **Curriculum Committee**

- Change in Course
  - » CSC 260 Analysis of Computer Architecture and Software
- Change in Curriculum
  - » AS in Computer Science
- New Course
  - » ITE 217 Information Security
  - » ITE 227 Computer Forensics

## **Meeting of March 10, 2016**

### **Academic Senate**

- No Confidence Resolution
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The following resolution from the floor was approved: The Academic Senate endorses the statement made by the Academic Department Chairs, the NCCFT Executive Committee, and the Academic Senate Executive Committee on February 24th, 2016, in which they stated that they have no present or future confidence in any leadership role of Dr. Kenneth Saunders at Nassau Community College.

### **Calendar Committee**

- Resolution for the Enactment of the Fall 2016, Winterim 2017, Spring 2017, and Summer 2017 Calendars Along With Provision for Emergency Make-Ups

This Resolution is included as Appendix [J](#)

### **Curriculum Committee**

- Change in Course
  - » AHS 131 Anatomy & Physiology I
- Change in Curriculum
  - » Alcohol/Addiction Counseling AS
  - » Alcoholism and Substance Abuse Counselor Certificate Program

### **Executive Committee**

- Resolution in Support of NCC Board of Trustees Members Weiss and Drucker's Call for an Independent Investigation at the February 9th, 2016 Board of Trustees Meeting

This Resolution is included as Appendix [K](#)

## **Meeting of April 21, 2016**

### **Curriculum Committee**

- AOS Resolution

A change to Section II of the Committee's Procedure Manual

This Resolution is included as Appendix [L](#)
  - Change in Curriculum
    - » AAS in Graphic Design and Digital Media
    - » Certificate in Graphic Design
    - » Certificate in Web Design
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- New Course
  - » ENG 216 Autobiographical Literature
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### **Developmental Education Committee**

- Resolution to Amend the Developmental Education Committee's By-Laws  
This Resolution is included as Appendix **M**

### **Meeting of May 12, 2016**

#### **Curriculum Committee**

- Change in Course
    - » MAT 109 College Algebra and Trigonometry
  - New Program
    - » Cybersecurity Certificate
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-

## Appendix A

# Calendar Committee Resolution on Fall, 2015 Emergency Make-Up Day

Passed by the Academic Senate on  
September 29, 2015

**To:** Academic Senate

**From:** Calendar Committee

**Subject:** Resolution on Fall 2015 Emergency Make-Up Day

**WHEREAS** extreme weather has caused more class cancellations in recent years, and;

**WHEREAS** excessive class cancellations may have a deleterious effect on student learning and retention; and

**WHEREAS** some colleges in the tri-state area have instituted limited make-up days to offset or negate the impact of excessive class cancellations; and

**WHEREAS** the Calendar Committee acknowledges that other solutions are feasible but that due to the brevity of time this is the best option for this semester; now therefore

**BE IT RESOLVED THAT** the Fall 2015 Academic Calendar be amended so that:

- Wednesday, December 23, 2015 be set aside as an emergency make-up day
  - The second time that all day, evening, and online classes and activities are cancelled on the same teaching day of the week, the President's Office may elect to schedule make up classes and activities to follow that day's schedule on December 23<sup>rd</sup>. This is the one and only such make-up day that may be scheduled during the Fall 2015 semester. Note that this does not apply to partial cancellations, late openings, etc.
  - Example: If all day, evening, and online classes and activities are cancelled on Monday, September 14<sup>th</sup>, and all day, evening, and online classes and activities are cancelled on Monday, November 30<sup>th</sup>, the President's Office may elect to make up those classes and activities by following a Monday schedule on December 23, 2015.
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## Appendix B

# Calendar Committee Resolution on the Scheduling of November 10, 2015

Passed by the Academic Senate on  
September 29, 2015

**To:** Academic Senate  
**From:** Calendar Committee  
**Subject:** **Resolution on the Scheduling of November 10, 2015**

**WHEREAS** classes that meet on Wednesdays from 5:00 pm to 6:15 pm are considered to be day classes; and

**WHEREAS** classes that meet on Tuesdays from 5:30 pm to 6:20 pm are considered to be evening classes; and

**WHEREAS**, according to the extant Fall 2015 Academic Calendar, day classes on November 10th follow a Wednesday schedule, and evening classes on the same date follow a Tuesday schedule; and

**WHEREAS**, this will result in some classes being scheduled for the same room at the same time, and some faculty and student schedules will therefore require attendance in two places at once; now therefore

**BE IT RESOLVED THAT** the Academic Calendar for Fall, 2015 be amended-so that:

- Evening classes on Tuesday, November 10th DO NOT MEET (note the addition of an asterisk on the proposed calendar)
- Evening classes on Thursday, December 17th follow a Tuesday schedule (note the addition of an ampersand on the proposed calendar)

See the attached proposed Fall, 2015 calendar.

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## PROPOSED FALL 2015 ACADEMIC CALENDAR– Revised September 3, 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>SEPTEMBER</b>						
		1	2	3	4*	X
X	Labor Day	8^	9	10	11	12
13	Rosh Hashanah	15	16	17	18	19
20	21	22*	Yom Kippur	24	25	26
27	28	29	30			
<b>OCTOBER</b>						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
<b>NOVEMBER</b>						
1	2	3	4	5	6	7
8	9	10#*	Veterans Day	12	13	14
15	16	17	18	19	20	21
22	23@	24	25*	Thanksgiving	X	X
<b>DECEMBER</b>						
X	30	1	2	3	4	5
6	7	8	9	⑩	11	12
13	14	15	⑪	17&	18	19
20	⑫	⑬	23	24		
14	15/14	15/14>	15/14	15/14	15/14	14

DAY, EVENING, and DISTANCE EDUCATION classes begin on Tuesday, September 1 and end on Tuesday, December 22

WEEKEND classes begin on Friday, September 11 and end on Sunday, December 20

Classes do NOT meet on named or X days.

> Tuesday contains an evening activity hour.

^ Tuesday, September 8 DAY and EVENING classes meet on a Monday schedule.

# Tuesday, November 10 DAY classes meet on a Wednesday schedule

& Thursday, December 17<sup>th</sup> EVENING classes meet on a Tuesday schedule.

@ Monday, November 23 EVENING classes meet on a Wednesday schedule

\* EVENING classes do not meet.

○ Circled dates: all 3 credit EVENING classes must be extended by 5 minutes for final exam purposes.

## Appendix C

# Developmental Education Committee Resolution on the Placement Testing Exemption Policy Revision 2015

Passed by the Academic Senate on  
October 27, 2015



## NASSAU COMMUNITY COLLEGE

### Inter-Departmental Memo

**To :** Academic Senate Executive Committee **Date:** October 15, 2015  
**From :** Developmental Education Committee  
**Subject:** Resolution on the Placement Testing Exemption Policy Revisions 2015

**WHEREAS** the Developmental Education Committee has been charged by the Academic Senate with re-examining the policy for exemption from placement testing in English, Mathematics, and Reading for students seeking admission to NCC, and

**WHEREAS** the Developmental Education Committee has worked from September 2014 to October 2015 to address charge #10, "At the request of the College Administration, consider lowering ACT and SAT cut-off scores to levels equivalent to a majority of other SUNY community college cut-off scores for use in exempting incoming students from the college's placement tests," and

**WHEREAS** the Developmental Education Committee has worked from September 2014 to October 2015 to address charge #11, "At the request of the College Administration, consider developing multiple measures for exempting incoming students from the college's placement tests," and

**WHEREAS** the Developmental Education Committee members recognize the need to facilitate student placement into the appropriate course levels while safeguarding the rights of underprepared students to receive support through developmental coursework, both in non-credit and credit-bearing courses, according to the mission of the college, and

**WHEREAS** the Developmental Education Committee, after full committee discussion of data provided by NCC's Office of Institutional Research and the Administration, and at the direction of the committee chair, formed discipline-specific subcommittees in English, Mathematics, and Reading for the purpose of investigating the current exemption policies in English, Mathematics, and Reading, and

**WHEREAS** the Developmental Education Committee subcommittees in English, Mathematics, and Reading not only examined current NCC policy for placement testing exemption, but also researched national and local data regarding both standardized test scores and multiple measures as indicators of student placement into credit-bearing courses, and

**WHEREAS** the Developmental Education Committee subcommittees in English, Mathematics, and Reading have done a careful review of current educational research on

the use of standardized tests, high school GPA standings, high school class rankings, advanced placement scores, and New York State Regents in English and Mathematics (in varying math coursework), and

**WHEREAS** the Developmental Education Committee subcommittees in English, Mathematics, and Reading have determined from the data provided by august experts from Columbia University's Teacher's College and the Community College Research Center that student GPA is the most reliable measure for determining placement of students into college courses and for predicting college success, and

**WHEREAS** the Developmental Education Committee subcommittees in English, Mathematics, and Reading have been further informed that, as an open-admissions college, NCC does not employ the competitive admissions system of other colleges that stabilizes differences in the GPA to eliminate variances and define that measure as reliable and predictive, and

**WHEREAS** the Developmental Education Committee subcommittees in English, Mathematics, and Reading have done a careful analysis of the New York State revised Regents in English and Mathematics (in varying math coursework), concluding that the revised test forms, which are now far more rigorous in their focus on critical thinking skills and the scores of which are readily available to the NCC Admissions Office, since most New York State students take Regents as a part of their high school graduation, are good indicators for exemption, and

**WHEREAS** the Departments of English, Reading/Basic Education and Mathematics/CSC/ITE, represented by the Developmental Education Committee and the subcommittees in English, Mathematics, and Reading have carefully considered benchmark scores in the Regents exams that indicate proficiency for placement into credit-bearing courses in those departments, and

**WHEREAS** the following policy changes *apply only to exemptions* from the English, Mathematics, and Reading Placement tests (Accuplacer), and

**WHEREAS** students who are *not exempted from testing are NOT placed into developmental coursework* ; rather, such students test in the appropriate areas of English, Mathematics, and/or Reading, and

**WHEREAS** students who do undergo placement testing enter the multiple pathway branching processes in English, Mathematics, and Reading that have been established to fully support all NCC student learning needs, therefore

**BE IT RESOLVED THAT** the NCC placement test exemption policies in English, Mathematics, and Reading be amended to reflect the following placement into credit-bearing courses:

**English Writing:**

1. Students presenting . . .
  - a. a NY State English Language Arts Regents (Common Core) score of 85+, acquired within four years of application to NCC, OR
  - b. a score of 540+ on the SAT **Writing section**, OR
  - c. a score of 23+ on the ACT English sectionshall be exempt from the writing placement exam. Furthermore, these students shall be placed into ENG 101, Introduction to Composition, the first credit-bearing English composition course. Students who score 79-84 on the NYS English Language Arts Regents (Common Core) and who do NOT have non-credit Reading placement shall be exempt from the Writing Placement exam (Writeplacer) and shall be placed into ENG100, equivalent to the first credit-bearing English composition course.
2. Out of state students and/or those without an English Regents grade, acquired within four years of application to NCC, presenting . . .
  - a. an SAT Writing score of 540+, OR
  - b. an ACT Writing score of 23+shall be exempt from the writing placement exam. Furthermore, these students shall be placed into ENG 101, Introduction to Composition, the first credit-bearing English composition course.
3. Students presenting advanced courses in high school:
  - a. Advanced Placement Exam in English Literature and Composition or English Language and Composition of 3+, OR
  - b. International Baccalaureate Exam in English score: 4+shall be exempt from the writing placement exam. Furthermore, these students shall be placed into ENG 101, Introduction to Composition, the first credit-bearing English composition course.

**Mathematics:**

1. Students presenting . . .
  - c. an SAT math score of 490, 500 or 510, OR
  - d. an ACT math score of 20 or 21,shall be exempt from **only** the **Arithmetic** section of the Accuplacer Mathematics exam. These students shall be given the algebra section of the Accuplacer Mathematics exam to determine any need for remediation in algebra.
2. Students presenting . . .
  - a. an SAT math score of 520 or higher, OR
  - b. an ACT math score of 22 or higher,shall be exempt from **both** the **Algebra and Arithmetic** sections of the Accuplacer Mathematics exam.

3. Students presenting . . .
  - a. a NY State Regents Integrated Algebra exam score of at least 85 acquired within four years of application to NCC, OR
  - b. a NY State Regents Algebra2/Trigonometry exam score of at least 80 acquired within four years of application to NCC, shall be exempt from **both** the **Algebra and Arithmetic** sections of the Accuplacer Mathematics exam..

**Reading:**

1. Students presenting . . .
  - a. an SAT Critical Reading Score of 500+ (or an ACT Reading Score of 21+) **IN CONJUNCTION WITH** a NY State English Language Arts (Common Core) Regents score of 82+ shall be exempt from the Accuplacer Reading exam.
2. Students presenting: . . .
  - a. an SAT Critical Reading Score of 540+ (or an ACT Reading Score of 23+) shall be exempt from the Accuplacer Reading exam.
3. Students presenting . . .
  - a. an Advanced Placement Exam in English Literature and Composition or English Language and Composition of 3+ shall be exempt from the Accuplacer Reading exam.
4. Students presenting . . .
  - a. an International Baccalaureate Exam in English score of 4+ shall be exempt from the Accuplacer Reading exam.

**BE IT FURTHER RESOLVED** that the catalogue for Nassau Community College shall be rewritten to reflect said changes in exemption from the placement testing procedure as follows [additions in **boldface**, deletions in ~~strike through~~].

## **Placement Tests**

### **Placement Tests in English, Reading, and Mathematics, and Reading**

All degree and certificate seeking applicants to the College are required to take a placement test prior to registration. This test assesses skills in the areas of writing, reading, and mathematics, with the results used to determine if special course work must be taken in those subject areas. Students whose native language is not English are required to take an ~~English as a Second Language~~ **English as a Second Language** test in lieu of the College's regular placement test.

**Exemptions are granted in the appropriate testing areas as follows:**

- **Writing English:** Students presenting a NY State English Language Arts Regents (Common Core) score of 85 or more, acquired within four years of application to NCC, or ~~Students presenting~~ a score of 540 or more on the SAT Writing section, or a score of 24 ~~23~~ or more on the ACT English section shall be exempt from the

writing placement exam. Furthermore, these students shall be placed into ENG 101, Introduction to Composition the first credit-bearing English composition course.

Students presenting advanced courses in high school with an Advanced Placement Exam in English Language and Composition score of 3 or more, OR an International Baccalaureate Exam in English Composition score of 4 or more shall be exempt from the writing placement exam. They will be placed into ENG101 or ENG102 as appropriate.

Students who score 79-84 on the NYS English Language Arts Regents (Common Core) and who do NOT have non-credit Reading placement shall be exempt from the Writing Placement exam (Writeplacer) and shall be placed into ENG100, equivalent to the first credit-bearing English composition course.

- **Mathematics:** Students presenting a score of 510 to 549 on the SAT mathematics section, or a score of 22 to 23 on the ACT mathematics section shall be exempt from the arithmetic portion of the exam used for math placement. These students shall be given the algebra portion of the exam to determine any need for remediation in algebra. Students presenting an SAT math score of 490, 500, or 510, or an ACT math score of 20 or 21 shall be exempt from only the Arithmetic section of the Accuplacer Mathematics exam. These students shall be given the algebra section of the Accuplacer Mathematics exam to determine any need for remediation in algebra.

Furthermore, students presenting an SAT math score of 520 or more, or an ACT math score of 22 or more, shall be exempt from both the Algebra and Arithmetic sections of the Accuplacer Mathematics exam.

In addition, students presenting a NY State Regents Integrated Algebra exam score of at least 85 acquired within four years of application to NCC, or a NY State Regents Algebra2/Trigonometry exam score of at least 80 acquired within four years of application to NCC, shall be exempt from both the Algebra and Arithmetic sections of the Accuplacer Mathematics exam.

If there is no such need for the algebra or arithmetic testing, they students shall be given the college level math portion of the Accuplacer exam to determine their placement into credit math courses Pre-Calculus or higher. Students presenting a score of 550 or more on the SAT mathematics section, or a score of 24 or more on the ACT mathematics section shall be exempt from both the arithmetic and the algebra portions of the exam used for math placement.

- **Reading:** Students presenting a score of 550 or more on the SAT critical reading section, or a score of 24 or more on the ACT reading section shall be exempt from the reading placement exam. Students presenting an SAT Critical Reading Score of 500 or more (or an ACT Reading Score of 21 or more) IN CONJUNCTION WITH a NY State English Language Arts Regents (Common Core) score of 82 or more shall be exempt from the Accuplacer Reading exam.

**Students presenting an SAT Critical Reading Score of 540 or more (or an ACT Reading Score of 23 or more) shall be exempt from the Accuplacer Reading exam.**

**Students presenting an Advanced Placement Exam in English Literature and Composition or English Language and Composition of 3 or more shall be exempt from the Accuplacer Reading exam. Students presenting an International Baccalaureate Exam in English score of 4 or more shall be exempt from the Accuplacer Reading exam. These students shall also be exempt from all reading remediation.**

- **Post-graduate and Transfer Students:** Exemptions from the placement test will be given to those students who provide documentation that they possess a college degree from an accredited institution. Students who have graduated from colleges outside the United States may be required to take one or more sections of the placement test. In addition, transfer students who submit documentation that they have successfully completed a college level mathematics course equivalent to Nassau's MAT 109 (Algebra and Trigonometry) or higher shall be exempt from the mathematics portion of the placement test. Those who submit documentation that they have successfully completed a college level course equivalent to Nassau's ENG 101 (Composition I) shall be exempt from the reading and writing portions of the placement test.

Please note that: Some students who have been exempted from any part of the NCC placement testing process, but who are applying for federal or state financial aid, may be required to prove "ability to benefit" (ATB) through applicable sections of the NCC Placement tests.

The Departments of English, Reading/Basic Education and Mathematics/CSC/ITE have developed ~~certain circumstances~~ **processes** under which ~~some~~ incoming students may be offered the opportunity to retake part of the placement examination in areas where they are initially unsuccessful. These policies and procedures are available at the Testing Center.

Students whose test results indicate a need for special courses must take those courses during the first semester of attendance and continue taking them in successive semesters until completing them satisfactorily. Successful completion of prescribed ~~remedial~~ **developmental** work is a prerequisite to enrollment in specific credit-bearing courses.

These specialized courses in English, ~~Reading~~, and ~~Mathematics~~ are found in the Course Description section of this catalog under BEP 090, BEP091, BEP 092, COM 030, ENG 001, ~~ENG 002~~, ENG 030, MAT 001, MAT 002, MAT 003, RDG 001, RDG 002, ~~RDG 003~~, RDG 030.

The College reserves the right to test or exempt from testing any student regardless of status applied for and/or deny admission to specific course offerings based on test results. The College reserves the right to deny registration privileges to any student who does not



comply with all aspects of the Placement Testing Policy. For further details on specific time and place of assessment testing, see our website [www.ncc.edu/placementtesting](http://www.ncc.edu/placementtesting) or contact the Coordinator of Testing at 516.572.7780.

## Placement Tests

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Exemptions are granted in the appropriate testing areas as follows:

- **English:** Students presenting a NY State English Language Arts Regents (Common Core) score of 85 or more, acquired within four years of application to NCC, or a score of 540 or more on the SAT writing section, or a score of 23 or more on the ACT English section shall be exempt from the writing placement exam. Furthermore, these students shall be placed into ENG 101, Introduction to Composition, the first credit-bearing English composition course. Students presenting advanced courses in high school with an Advanced Placement Exam in English Language and Composition of 3 or more, OR an International Baccalaureate Exam in English Composition score of 4 or more shall be exempt from the writing placement exam. They will be placed into ENG101 or ENG102 as appropriate.

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- **Mathematics:** Students presenting an SAT math score of 490, 500, or 510, or an ACT math score of 20 or 21 shall be exempt from only the Arithmetic section of the Accuplacer Mathematics exam. These students shall be given the algebra section of the Accuplacer Mathematics exam to determine any need for remediation in algebra.

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The College reserves the right to test or exempt from testing any student regardless of status applied for and/or deny admission to specific course offerings based on test results. The College reserves the right to deny registration privileges to any student who does not comply with all aspects of the Placement Testing Policy. For further details on specific time and place of assessment testing, see our website [www.ncc.edu/placementtesting](http://www.ncc.edu/placementtesting) or contact the Coordinator of Testing at 516.572.7780.

## Appendix D

### Academic Standing Committee

#### Resolution to Allow New Students No Longer Attending Nassau Community College to Increase the Number of Credits that May Be Transferred Back Toward a Degree or Certificate

Passed by the Academic Senate on  
November 24, 2015

TO: Academic Senate Executive Committee

FROM: Academic Standing Committee

DATE: 10/07/15

SUBJECT: Resolution to allow students no longer attending Nassau Community College to increase the number of credits that may be transferred back toward a degree or certificate

WHEREAS, the Academic Standing Committee (ASC) was charged with considering increasing the number of credits a student may transfer back toward an Associate Degree from nine to twelve and toward a Certificate from six to nine, and

WHEREAS, the adjustment would help students to graduate from Nassau Community College after leaving to pursue additional studies at another institution, be it

RESOLVED that the current policy be changed to increase the number of credits from no more than nine to no more than twelve that may be transferred back toward a Degree, and be it further

RESOLVED that the current policy be changed to increase the number of credits from no more than six to no more than nine that may be transferred back toward a Certificate, and be it further

RESOLVED that the policy go into effect beginning in the spring 2016 semester.

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## Appendix E

# Affirmative Action Committee Resolution on Revision of the Nassau Community College Sexual Harassment Policy

Passed by the Academic Senate on  
November 24, 2015

Approved with one amendment, changing “The Respondent and Complainant and their advisors will each be afforded the opportunity to see the relevant evidence in the case file...” on Page 12 to “...the opportunity to see all the evidence in the case file...”

September 17, 2015

To: Academic Senate

From: Anissa Moore, Chair  
Affirmative Action Committee

Re: Resolution on Revision of the Nassau Community College Sexual Harassment Policy

WHEREAS: the Affirmative Action Committee is charged with presenting the revised NCC Sexual Harassment Policy to the Academic Senate; and

WHEREAS: On July 7, 2015, the Enough is Enough Law [EiE] was signed by Governor Cuomo after passage by the New York State Legislature, and

WHEREAS: The "Enough is Enough" legislation requires all New York State colleges to adopt a set of comprehensive procedures and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement in order to better protect all of New York's college students from rape and sexual assault, and

WHEREAS: The new law also requires many specific procedures to be incorporated into all New York State colleges' policies, and

WHEREAS: Nassau Community College is therefore required to adopt all the items listed in the Enough is Enough legislation, and

WHEREAS: the federal Clery Act, Violence Against Women Act (VAWA), Campus SAVE Act, and Title IX require similar items in colleges' policies, and

WHEREAS: Certain aspects of the law require modest changes in current procedures of the Sexual Harassment Policy, and

WHEREAS: The Enough is Enough Law now requires colleges to specify which personnel are "confidential", "private", or "responsible" employee reporters of sexual violence incidents with each category having different responsibilities, and

WHEREAS: Certain aspects of the current Sexual Harassment Policy require clarification,

THEREFORE: Be it Resolved that the Nassau Community College Sexual Harassment Policy be revised as follows (additions in italics, deletions in strikethrough).

## Notes on Legal Requirements for Revision of Sexual Harassment Policy

EiE refers to the Enough is Enough Law passed by the New York State Legislature and signed by Governor Cuomo on July 7, 2015.

VAWA refers to the Violence Against Women Act, a federal law. The Campus SAVE Act and the Clery Act are also federal laws relevant to sexual violence.

Title IX is a federal regulation of the United States Department of Education, Office for Civil Rights.

Page 1--legal requirement of Title IX, EiE, and federal laws

Page 3--no. 5 is the wording from the current policy but moved to a different location

Page 3--Affirmative consent—the EiE S6441 no. 1 specifies this exact language be included

Page 4--the bulleted items on Consent are taken word for word from EiE S6441 no. 2

Page 4--b, c, d, and e are New York State crime definitions that VAWA requires in college policies. In “e”, NCC is adding “of a sexual nature”.

Page 6--no. 4 paragraph 1 –EiE and Title IX require colleges to designate employees with reporting responsibilities, and to provide training to these employees. Also see EiE s6444.2 on required paragraph

Page 7--these changes are required by EiE and Title IX

Page 9--IIF—deleted because this point is covered beforehand in II A 4

Page 11--no. 3—EiE terminology is “advisers”

Page 11--last paragraph—changes comply with EiE S6445 C V

Page 12--paragraph 2—EiE S6444 5C I

Page 12--paragraph 5 beginning “upon” —“preponderance of the evidence” standard required by Title IX (OCR); remaining change required by EiE S6444 5 C VIII

Page 12--second to last paragraph—required by EiE and federal laws

Page 12--last paragraph—necessary to delete due to the elimination of the College President’s role in the appeal process, noted below

Page 13--Sanctions—Title IX requires educational programs and efforts

Page 13--Sanctions—EiE requires mandatory suspension or expulsion of students found “guilty” of sexual violence S6444 6

Page 13--Petition for Appeal—EiE S64443 requires an appeals panel, requiring elimination of the current policy provisions for the College President to be the sole arbiter of appeals. Also see EiE S6444 H 5 B

Page 13 and 14--Section III D.5 and III D.5.1 eliminate these procedures for handling appeals of complaints against the College President or a Trustee because Appendix A no. 13 provides for a different method of handling such complaints

Page 14--III D 5.2—required by EiE, Title IX, and VAWA, and clarification of current procedure for parties to have advisors at Appeal Board hearings (this exact language appears earlier in the Policy as well for the Formal Hearing stage)

Page 14--III D 5.3—the added word “members” clarifies what is meant by “both”

Page 15--paragraph 1—required by EiE S6444 H 5 B

Page 15--III D 5.4—clarification of current language

Page 16--IV E—EiE requires this exact language be included S6442

Page 17--Appendix A no. 13—new

Page 17--II 8—new

Pages 18, 19, 20--entire Appendix D required by Title IX, Clery, VAWA

Page 18--no. 2 bullets—the laws require colleges to specify personnel falling into this category. The listing of “individuals....offices” includes faculty but not secretaries or student aides.

Page 19--no. 3 bullets—the laws require colleges to specify personnel who fall into this category of “responsible employees.”

Page 20--no. 4—required by EiE, Title IX, federal laws; language in quotes required by EiE section 6446.1C

**For submission to the Academic Senate November 24, 2015**

New language is in italics; deleted language is in strikethrough

**NASSAU COMMUNITY COLLEGE  
SEXUAL HARASSMENT/*SEXUAL VIOLENCE* POLICY**

**Policy Statement**

The Policy of Nassau Community College (NCC) is that all forms of Sexual Harassment, whether it involves students or employees, should be corrected early and firmly in the interest of maintaining a barrier-free working and learning environment.

Sexual Harassment, like other forms of harassment on the basis of color, race, religion, gender, national origin, and disability, is recognized by County, State and Federal regulations to be against the law. Recent interpretations of Title IX of the Educational Amendments similarly delineate Sexual Harassment as discriminatory and unlawful.

*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 intimidations, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking. Refer to Section I-C (“Definitions of Sexual Harassment and Sexual Violence”), as well as to the College’s Annual Security Report, for a complete list of definitions and prohibited acts.*

In keeping with our basic philosophy and certain existing laws and regulations, Nassau Community College has, in addition to its legal responsibility, a moral commitment to the protection of the human and civil rights of all NCC employees

and students.

## **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 AND SEXUAL VIOLENCE**



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 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.

4. 5. *Sexual violence is a form of sexual harassment and is strictly prohibited under law and under this policy. Sexual violence involves physical 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, sexual threat, domestic violence, dating violence, stalking or cyberstalking of a sexual nature. ,and*

- a. *Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.*
- *Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.*
  - *Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.*
  - *Consent may be initially given but withdrawn at any time.*
  - *Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.*
  - *Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.*
  - *When consent is withdrawn or can no longer be given, sexual activity must stop.*
- b. *Sexual Assault is defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of unwanted sexual activity, such as the offenses of rape, fondling, incest, or statutory rape. It includes sexual acts against people who are unable to consent either due to age or a lack of capacity.*
- c. *Domestic Violence is a pattern of abusive behavior that is used by an individual to gain or maintain power or control over their intimate partner or family member. Domestic violence can include, but is not limited to disorderly conduct, harassment, sexual misconduct, forcible touching, sexual abuse, assault, strangulation, etc., when such an act creates a substantial risk of physical or emotional harm and is committed by a family member.*
- d. *Dating Violence is defined as a crime of violence committed by a person who is or has been in a social relationship or a romantic or intimate nature with the victim.*
- e. *Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other actions of a sexual nature directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress.*

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

*All faculty, Public Safety employees, department chairs, administrators, counselors, attorneys, health personnel, CSEA staff and student aides in the Title IX, Student Personnel Services, and Health offices, and CSEA supervisors have reporting responsibilities with regard to allegations of sexual harassment and sexual violence. At the first instance of disclosure by a possible Complainant to any of these individuals, the following information shall be presented to that Complainant: “You have the right to make a report to Campus Security, local law enforcement, and/or State Police, or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”*

and students.

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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 AND SEXUAL VIOLENCE**

If the Complainant has met with other individuals having “Reporting Responsibilities” (section II-A(4) 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 II-A(4) 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-D 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-E 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-F CONFIDENTIALITY**

The Designated Counselors, those with “Reporting Responsibilities (II-A(4d)), 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.

*See Appendix D for a full explanation of the College’s policy on confidentiality.*

## **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 known as "Investigator") will conduct a formal investigation, which will include but not be limited to:

1. A review of all applicable materials, including any past Situation Reports concerning the Respondent. Parties may choose to provide materials to the Investigator;
2. Interviews with any known witnesses, including witnesses provided by the parties to the proceeding; and
3. Interview with the Complainant and Respondent. Complainant and Respondent may choose to have up to two (2) ~~individuals~~ *advisors* of their choice (including attorneys and/or 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 ~~advisors union representatives and attorneys~~ will each be afforded the opportunity to see ~~all~~ the *relevant evidence in the case file*, 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~~ *advisors of their choice*, including attorneys and union representatives, who can represent the Complainant 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, *where there is a determination by preponderance of the evidence that the Respondent violated the Sexual Harassment Policy, the AAO shall offer the Complainant the opportunity to make an impact statement which the AAO will consider when determining the appropriate sanctions. After listening to or reviewing (if submitted in writing) the impact statement,* the investigator has seven (7) working days to ~~write a report and send it his or her findings~~ to the College President. That report must include:

1. 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;
2. A recommendation for a negotiated resolution if appropriate; and/or
3. 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 all parties.~~

*Following the President’s review and approval of the Report, the AAO will notify the*

*Complainant and the Respondent, in writing, concerning the outcome of the investigation, including the rationale for the decision, and sanctions imposed, if any.*

~~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.~~

*After the case is finalized (which shall include the resolution or any appeal), a summary of the report shall be incorporated into the letter be sent to the Respondent and placed in his/her Respondent's personnel file or if a the Respondent is 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 *educational programs and efforts*, 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.
- *For students found responsible for sexual assault, sanctions shall consist of the following:*
  - *Suspension with additional requirement, or*
  - *Expulsion*

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

*The Respondent and the Complainant can appeal the Affirmative Action Officer's determination. Requests for an appeal shall be made in writing to the Appeal Board within seven (7) business days of receipt of the AAO's findings, and must also be hand-delivered to the Affirmative Action Officer.*

~~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 Appeal Board~~ has ten (10) business days to grant or deny a petition for appeal. The ~~President's Appeal Board'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 ~~C~~ complaint-filing and investigative process
- The availability of new evidence that was not available during the Affirmative Action Officer's investigation

If the ~~President Appeal Board~~ denies the petition for appeal, ~~he/she shall notify both parties both parties will be notified of this determination.~~

~~The Chair of the Board of Trustees (or Board Personnel/Affirmative Action Committee as stated in III D5 above) shall substitute for the College President Appeal Board if the Complaint is against that the President or a member of the Board of Trustees in this section and in section III-D5.2 below.~~

### III-D 5.2: APPEAL PROCESS

If the ~~President Appeal Board~~ grants a petition for appeal ~~proceedings, he the Appeal Board,~~ through an individual selected to convene the Board's proceedings, will notify both parties of the time and date when the appeal will be heard ~~convene the Sexual Harassment Appeal Board and notify both parties.~~ The Complainant and the Respondent may choose to have up to two (2) advisors of their choice (including attorneys and/or union representatives) present during his or her appearance before the Appeal Board.

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. *All actions undertaken by the Appeal Board shall be fair and impartial.*

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 *members* 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. *No individual with a conflict of interest will sit on the Appeal Board.*

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

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

- 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 Division of Human Rights, ~~United States Commission on Civil Rights~~ *U.S. Department of Education, Office for Civil Rights*, or Nassau County Commission on Human Rights.
- In the case of a College employee, a grievance can be filed in accordance with the appropriate Collective Bargaining Agreement.

## **PART 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 POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL AND INTERPERSONAL VIOLENCE CASES***

*The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Nassau Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.*

#### **~~IV-F~~ 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 (III D5), which must be hand delivered to the Affirmative Action Officer and signed for by the AAO or his office designee.

#### **~~IV-G~~ INTERPRETATION OF POLICY**

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



## APPENDIX A

### I. 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;
12. 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;
13. ~~Handling Complaints, investigating, and following the procedures of this Policy should~~ *In the event the subject of a Complaint of sexual harassment be is the College President or a member of the College Board of Trustees, the AAO shall refer the matter, via a Situation Report, to the Chair of the Board of Trustees. If the subject of a Complaint is a member of the Board of Trustees ("BOT"), the AAO will refer the Complainant to the appropriate State or Federal agency, and shall submit a Situation Report to the Chair of the BOT (or to the Vice Chair or Secretary of the BOT, if the Chair is the subject of a Complaint).*

### II. 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.
8. *In the event the subject of a Complaint of sexual harassment is the Affirmative Action Officer, the DIO will refer the matter to the College President, via a Situation Report.*

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 Human Rights, the Office for Civil Rights, Nassau County Commission on Human Rights 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.

## APPENDIX D

### **Confidentiality and Reporting Protocol**

*If a crime of sexual misconduct has occurred, including dating violence, domestic violence, sexual assault, or stalking, the College encourages accurate and prompt reporting of these crimes to the campus police or State and local law enforcement agencies. However, it can be difficult for a victim to come forward after such an event, and there are several options available for students who wish to maintain confidentiality while getting the support they need. **Different employees on campus have different abilities to maintain a victim's confidentiality, as described below.** (Please note that the following confidentiality responsibilities shall apply to reports of sexual harassment, as well as to reports of sexual assault, dating violence, domestic violence, and stalking.)*

- 1) **Privileged Communications:** *Some employees are required to maintain near complete confidentiality; talking to them is sometimes referred to as "privileged communication". Individuals falling into this category are listed below and are not required to report any information about an incident to the Title IX Coordinator without the reporting individual's permission:*
  - *Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor).*
  - *Licensed healthcare providers.*
- 2) **No Personally Identifying Information:** *Other employees may talk to a victim in confidence,*



*and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the reporting individual's wishes. Employees/volunteers falling into this category are listed below:*

- *Individuals who work or volunteer in the Student Personnel Services offices,*
  - *the Designated Counselors under this Sexual Harassment Policy,*
  - *Health center employees and volunteers (other than licensed healthcare providers), including front desk staff and students working in the Center.*
- *The employees listed above can generally talk to a victim without revealing any personally identifying information about an incident to the College's Title IX Coordinator. A victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the victim's identity or that the victim has disclosed the incident. While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that the victim does not wish them to share any personally identifying details with the Title IX Coordinator.*
  - *A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused. Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to working or course schedules. A victim who at first requests confidentiality may later decide to file a formal complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.*
- 3) **Responsible Employees:** *These employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator. A report to these employees (called "Responsible Employees") constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation. A "Responsible Employee" is a College employee who has the authority to redress sexual harassment/violence, who has the duty to report incidents of sexual harassment/violence or other student misconduct, or who a student could reasonably believe has this authority or duty. Individuals falling into this category are listed below:*
- *All faculty except for those listed in Appendix D no. 2 above*
  - *Public Safety employees,*
  - *Department chairs,*
  - *Administrators,*
  - *Women's center employees, and*
  - *CSEA supervisors.*

- *When a Reporting Individual tells a Responsible Employee about an incident of sexual harassment/violence, the Reporting Individual has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.*
- *A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual harassment/violence shared by the Reporting Individual and that the College will need to determine what happened – including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report.*
- *A Responsible Employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.*
- *Before a reporting individual reveals any information to a Responsible Employee, the employee should ensure that the reporting individual understands the employee's reporting obligations – and, if the reporting individual wants to maintain confidentiality – direct him or her to confidential resources. If the reporting individual wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the reporting individual that the College will consider the request, but cannot guarantee that the College will be able to honor it, and that "Even Nassau Community College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution." In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the reporting individual's request for confidentiality. Responsible Employees will not pressure reporting individuals to request confidentiality, but will honor and support their wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure reporting individuals to make full reports if they are not ready.*

**4) How to address reporting individual's Request for Confidentiality:**

- *If a reporting individual discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. To make this determination, the following factors will be considered:*
  - *Whether the accused has a history of violent behavior or is a repeat offender;*
  - *Whether the incident represents escalation, such as a situation that previously involved sustained stalking,*
  - *the increased risk that the accused will commit additional acts of violence;*

- *Whether the accused used a weapon or force;*
- *Whether the reporting individual is a minor; and*
- *Whether the College possesses other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.*
- *If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited.*
- *Although rare, there are times when the College may not be able to honor a reporting individual's request for confidentiality in order to provide a safe, non-discriminatory environment for all students. If the College determines that it must move forward with the investigation, the reporting individual or victim/survivor will be notified and the College will take immediate action as necessary to protect and assist them.*

#### **ADDRESSES OF OTHER AGENCIES**

**Equal Employment Opportunity Commission**

New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004

**Nassau County Commission on Human Rights**

240 Old Country Road, 6<sup>th</sup> Floor, Suite 606  
Mineola, NY 11501

**New York State Division of Human Rights**

175 Fulton Avenue  
Hempstead, NY 11550

**U.S. Department of Education, Office for Civil Rights**

Lyndon Baines Johnson, Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

#### **NASSAU COMMUNITY COLLEGE POLICY AGAINST SEXUAL HARASSMENT/SEXUAL VIOLENCE**

~~Approved by the College Board of Trustees, September 15, 2014.~~

~~Approved by the Affirmative Action Committee on September 17, 2015~~

~~Approved by the Academic Senate on xxxxxxxxxxxxxxxx~~

~~Approved by the Nassau Community College Board of Trustees on xxxxxxxxxxxxxxxx~~

*As of September, 2015 this document has been revised to ensure compliance with federal and New York State law*

## **NASSAU COMMUNITY COLLEGE SEXUAL HARASSMENT/SEXUAL VIOLENCE POLICY**

### **Policy Statement**

The Policy of Nassau Community College (NCC) is that all forms of Sexual Harassment, whether it involves students or employees, should be corrected early and firmly in the interest of maintaining a barrier-free working and learning environment.

Sexual Harassment, like other forms of harassment on the basis of color, race, religion, gender, national origin, and disability, is recognized by County, State and Federal regulations to be against the law. Recent interpretations of Title IX of the Educational Amendments similarly delineate Sexual Harassment as discriminatory and unlawful.

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 intimidations, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking. Refer to Section I-C (“Definitions of Sexual Harassment and Sexual Violence”), as well as to the College’s Annual Security Report, for a complete list of definitions and prohibited acts.

In keeping with our basic philosophy and certain existing laws and regulations, Nassau Community College has, in addition to its legal responsibility, a moral commitment to the protection of the human and civil rights of all NCC employees and students.

## **NASSAU COMMUNITY COLLEGE SEXUAL HARASSMENT POLICY**

Approved by the College Board of Trustees, September 15, 2014.  
(This document has been revised to ensure compliance with federal law and SUNY regulations,  
and will be presented to the NCC Academic Senate for approval in the Fall of 2015.)

## **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 AND SEXUAL VIOLENCE**

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 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.

5. **Sexual violence** is a form of sexual harassment and is strictly prohibited under law and under this policy. Sexual violence involves physical 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 coercion, sexual threat, domestic violence, dating violence, stalking or cyberstalking with intent to sexually harass;

- a. **Affirmative consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
  - Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
  - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - Consent may be initially given but withdrawn at any time.
  - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
  - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - When consent is withdrawn or can no longer be given, sexual activity must stop.
- b. **Sexual Assault** is defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of unwanted sexual activity, such as the offenses of rape, fondling, incest, or statutory rape. It includes sexual acts against people who are unable to consent either due to age or a lack of capacity.
- c. **Domestic Violence** is a pattern of abusive behavior that is used by an individual to gain or maintain power or control over their intimate partner or family member. Domestic violence can include, but is not limited to disorderly conduct, harassment, sexual misconduct, forcible touching, sexual abuse, assault, strangulation, etc., when such an act creates a substantial risk of physical or emotional harm and is committed by a family member.
- d. **Dating Violence** is defined as a crime of violence committed by a person who is or has been in a social relationship or a romantic or intimate nature with the victim.
- e. **Stalking** is a pattern of repeated and unwanted attention, harassment, contact, or any other actions directed at a specific person that would cause a reasonable person to (1)



fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress.

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 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**

All faculty, Public Safety employees, department chairs, administrators, counselors, attorneys, health personnel, CSEA staff and student aides in the Title IX, Student Personnel Services, and Health offices, and CSEA supervisors have reporting responsibilities with regard to allegations of sexual harassment and sexual violence. At the first instance of disclosure by a possible Complainant to any of these individuals, the following information shall be presented to that Complainant: “You have the right to make a report to Campus Security, local law enforcement, and/or State Police, or choose not to report; to report the incident to your institution; to be

protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

To facilitate the reporting of sexual harassment Complaints and eliminate alleged harassment as soon as possible, the College will provide training to these employees. Such training will ensure that the above-referenced employees:

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

To the extent permitted by law and SUNY policy, these individuals must report all allegations, reports and incidents of sexual harassment/sexual violence 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 (not including New York State licensed counselors, pastoral counselors, licensed social workers, licensed health center employees) listed just above in Section II-A(4) must file the report with Public Safety promptly upon hearing of the alleged incident. See Appendix D for a full description of reporting responsibilities of different classes of employees.

## **II-B THIRD PARTY COMPLAINTS**

Any College employee, other than those mentioned above in II-A(4), 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 II-A(4) 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 II-A(4) 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-D 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-E 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-F CONFIDENTIALITY**

The Designated Counselors, those with “Reporting Responsibilities (II-A(4)), 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.

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

See Appendix D for a full explanation of the College’s policy on confidentiality.

## **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 known as "Investigator") will conduct a formal investigation, which will include but not be limited to:

1. A review of all applicable materials, including any past Situation Reports concerning the Respondent. Parties may choose to provide materials to the Investigator;
2. Interviews with any known witnesses, including witnesses provided by the parties to the proceeding; and
3. Interview with the Complainant and Respondent. Complainant and Respondent may choose to have up to two (2) advisors of their choice (including attorneys and/or 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 advisors will each be afforded the opportunity to see the relevant evidence in the case file, 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) advisors of their choice, including attorneys and union representatives, who can represent the Complainant 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, where there is a determination by preponderance of the evidence that the Respondent violated the Sexual Harassment Policy, the AAO shall offer the Complainant the opportunity to make an impact statement which the AAO will consider when determining the appropriate sanctions. After listening to or reviewing (if submitted in writing) the impact statement, the investigator has seven (7) working days to report his or her findings to the College President. That report must include:

1. 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;
2. A recommendation for a negotiated resolution if appropriate; and/or
3. imposing of the sanction if warranted, which may include a recommendation for further disciplinary action.

Following the President's review and approval of the Report, the AAO will notify the Complainant and the Respondent, in writing, concerning the outcome of the investigation, including the rationale for the decision, and sanctions imposed, if any.

After the case is finalized (which shall include the resolution or any appeal), a summary of the report shall be incorporated into the letter sent to the Respondent and placed in his/her personnel file or if the Respondent is a student, to the student's file.



### 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 educational programs and efforts, 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.
- For students found responsible for sexual assault, sanctions **shall** consist of the following:
  - Suspension with additional requirement, or
  - Expulsion

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

The Respondent and the Complainant can appeal the Affirmative Action Officer's determination. Requests for an appeal shall be made in writing to the Appeal Board within seven (7) business days of receipt of the AAO's findings, and must also be hand-delivered to the Affirmative Action Officer.

#### III-D 5.1: APPEAL JUSTIFICATIONS

The Appeal Board has ten (10) business days to grant or deny a petition for appeal. The Appeal Board'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-filing and investigative process
- The availability of new evidence that was not available during the Affirmative Action Officer's investigation

If the Appeal Board denies the petition for appeal, both parties will be notified of this determination.

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

If the Appeal Board grants a petition for appeal proceedings, the Appeal Board, through an individual selected to convene the Board's proceedings, will notify both parties of the time and date when the appeal will be heard. The Complainant and the Respondent may choose to have up to two (2) advisors of their choice (including attorneys and/or union representatives) present during his or her appearance before the Appeal Board.

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. All actions undertaken by the Appeal Board shall be fair and impartial.

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 members 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. No individual with a conflict of interest will sit on the Appeal Board.

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

In the event that one of the parties is not satisfied with 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 Division of

Human Rights, U.S. Department of Education, Office for Civil Rights, 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.

## **PART 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 POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL AND INTERPERSONAL VIOLENCE CASES**

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Nassau Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that

discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

#### **IV-F 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 (III D5), which must be hand delivered to the Affirmative Action Officer and signed for by the AAO or his office designee.

#### **IV-G INTERPRETATION OF POLICY**

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

### **APPENDIX A**

#### **I. 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;
12. 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;
13. In the event the subject of a Complaint of sexual harassment is the College President, the AAO shall refer the matter, via a Situation Report, to the Chair of the Board of Trustees. If the subject of a Complaint is a member of the Board of Trustees ("BOT"), the AAO refer the Complainant to the appropriate State or Federal agency, and shall submit a Situation Report to the Chair of the BOT (or to

the Vice Chair or Secretary of the BOT, if the Chair is the subject of a Complaint).

## II. 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.
8. In the event the subject of a Complaint of sexual harassment is the Affirmative Action Officer, the DIO will refer the matter to the College President, via a Situation Report.

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 Human Rights, the Office for Civil Rights, Nassau County Commission on Human Rights 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.

## APPENDIX D

### **Confidentiality and Reporting Protocol**

If a crime of sexual misconduct has occurred, including dating violence, domestic violence, sexual assault, or stalking, the College encourages accurate and prompt reporting of these crimes to the campus police or State and local law enforcement agencies. However, it can be difficult for a victim to come forward after such an event, and there are several options available for students who wish to maintain confidentiality while getting the support they need. **Different employees on campus have different abilities to maintain a victim's confidentiality, as described below.** (Please note that the following confidentiality responsibilities shall apply to reports of sexual harassment, as well as to reports of sexual assault, dating violence, domestic

violence, and stalking.)

- 1) **Privileged Communications:** Some employees are required to *maintain near complete confidentiality*; talking to them is sometimes referred to as “privileged communication”. Individuals falling into this category are listed below and are not required to report any information about an incident to the Title IX Coordinator without the reporting individual’s permission:
    - Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor).
    - Licensed healthcare providers.
  - 2) **No Personally Identifying Information:** Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred *without revealing any personally identifying information*. Disclosures to these employees will not trigger a College investigation into an incident against the reporting individual’s wishes. Employees/volunteers falling into this category are listed below:
    - Individuals who work or volunteer in the Student Personnel Services offices,
    - the Designated Counselors under this Sexual Harassment Policy,
    - Health center employees and volunteers (other than licensed healthcare providers), including front desk staff and students working in the Center.
- The employees listed above can generally talk to a victim without revealing any personally identifying information about an incident to the College’s Title IX Coordinator. A victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the victim’s identity or that the victim has disclosed the incident. While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that the victim does not wish them to share any personally identifying details with the Title IX Coordinator.
  - A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused. Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to working or course schedules. A victim who at first requests confidentiality may later decide to file a formal complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.



3) **Responsible Employees:** *These employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator.* A report to these employees (called “Responsible Employees”) constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation. A “Responsible Employee” is a College employee who has the authority to redress sexual harassment/violence, who has the duty to report incidents of sexual harassment/violence or other student misconduct, or who a student could reasonably believe has this authority or duty. Individuals falling into this category are listed below:

- All faculty, except for those listed in Appendix D 2 above,
  - Public Safety employees,
  - Department chairs,
  - Administrators,
  - Women’s center employees, and
  - CSEA supervisors.
- When a Reporting Individual tells a Responsible Employee about an incident of sexual harassment/violence, the Reporting Individual has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.
  - A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual harassment/violence shared by the Reporting Individual and that the College will need to determine what happened – including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College’s response to the report.
  - A Responsible Employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

Before a reporting individual reveals any information to a Responsible Employee, the employee should ensure that the reporting individual understands the employee’s reporting obligations – and, if the reporting individual wants to maintain confidentiality – direct him or her to confidential resources. If the reporting individual wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the reporting individual that the College will consider the request, but cannot guarantee that the College will be able to honor it, and that “Even Nassau Community College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.” In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the reporting individual’s request for confidentiality. *Responsible Employees will not pressure reporting individuals to request confidentiality, but will honor and support their wishes, including for the College to fully investigate an incident. By the same token, responsible*

*employees will not pressure reporting individuals to make full reports if they are not ready.*

**4) How to address reporting individual's Request for Confidentiality:**

- If a reporting individual discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, *the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim.* To make this determination, the following factors will be considered:
  - Whether the accused has a history of violent behavior or is a repeat offender;
  - Whether the incident represents escalation, such as a situation that previously involved sustained stalking,
  - the increased risk that the accused will commit additional acts of violence;
  - Whether the accused used a weapon or force;
  - Whether the reporting individual is a minor; and
  - Whether the College possesses other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.
- If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited.
- Although rare, there are times when the College may not be able to honor a reporting individual's request for confidentiality in order to provide a safe, non-discriminatory environment for all students. If the College determines that it must move forward with the investigation, the reporting individual or victim/survivor will be notified and the College will take immediate action as necessary to protect and assist them.

#### **ADDRESSES OF OTHER AGENCIES**

**Equal Employment Opportunity Commission**

New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004

**Nassau County Commission on Human Rights**

240 Old Country Road, 6<sup>th</sup> Floor, Suite 606  
Mineola, NY 11501

**New York State Division of Human Rights**

175 Fulton Avenue  
Hempstead, NY 11550



**U.S. Department of Education, Office for Civil Rights**  
Lyndon Baines Johnson, Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

**NASSAU COMMUNITY COLLEGE POLICY  
AGAINST  
SEXUAL HARASSMENT/SEXUAL VIOLENCE**

Approved by the Affirmative Action Committee on September November 5, 2015

Approved by the Academic Senate on xxxxxxxxxxxxxxxx

Approved by the Nassau Community College Board of Trustees on xxxxxxxxxxxxxxxx

As of November, 2015 this document has been revised to ensure compliance with federal and New York State law

## Appendix F

### Calendar Committee

### Resolution on Emergency Make-Ups, Winterim, and Spring 2016

Passed by the Academic Senate on  
November 24, 2015

**To: Academic Senate Executive Committee**

**From: Calendar Committee**

**Subject: Resolution on Emergency Make-Ups, Winterim and Spring 2016**

**Date: November 24, 2015**

**WHEREAS** extreme weather has caused more class cancellations in recent years, and

**WHEREAS** excessive class cancellations may be detrimental to student learning, and

**WHEREAS** some colleges in the Tri-state area have instituted limited make-up days to offset the impact of excessive class cancellations, and

**WHEREAS** the Calendar Committee acknowledges that other solutions are feasible and it will promptly explore other solutions but that due to time constraints and the fact the Spring 2016 Calendar is in place, this is the best option for Spring 2016, now therefore

**BE IT RESOLVED THAT** the Winterim 2016 Academic Calendar be amended so that:

1. Saturday, January 16, 2016 be designated as a make-up day
2. If all day, evening, and online activities are canceled on the same teaching day, the President's Office may elect to schedule make-up classes and activities to follow the schedule of the canceled day

**BE IT FURTHER RESOLVED THAT** the Spring 2016 Academic Calendar be amended so that:

1. March 21, May 11, and March 22, 2016 be designated as evening class make-ups in that order; March 21, May 17, and March 22, 2016 be designated for day class make-ups in that order; and May 21, 2016 be designated as weekend class makeup
2. These days are triggered only by the following event
  - a) If three days are missed in the same calendar week (Monday through Friday) the President's office may elect to schedule a make-up day, following the schedule of one of the canceled days
  - b) The second time that all day, evening, and online classes and activities are cancelled on the same teaching day of the week, the President's office may elect to schedule a make-up day to follow that day's schedule

**EXAMPLES:**

**Example for situation #2a:** If all day, evening and online classes and activities are cancelled on three days in a single calendar week (Monday – Friday) the President's Office may elect to make up those classes and activities by choosing the day missed to make up following that day's schedule. The date selected for the makeup should not duplicate a previously selected makeup day under 2a .

**Example for situation #2b:** If all day, evening, and online classes and activities are cancelled on two days following a Monday schedule in the spring semester, the President's Office may elect to make up those classes and activities by following a Monday schedule on a designated make-up day (in preferred order)

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WINTERIM 2015-2016 ACADEMIC CALENDAR – Approved 5/14/13 - revised 11/17/15

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>DECEMBER</b>					
				Christmas Day	
28	29	30	X		
<b>JANUARY</b>					
				New Year's Day	
4	5	6	7	8	
11	12	13	14	15	<i>M</i>

*M* Makeup Day – If, necessary, DAY and EVENING classes meet Saturday, January 16.

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## SPRING 2016 ACADEMIC CALENDAR– Approved 5/14/13 - revised 11/17/15

**SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY**

**JANUARY**

	M. L. King Day	19	20	21	22	23
24	25	26	27	28	29	30
31						

**FEBRUARY**

	1	2	3	4	5	6
7	8	9	10	11	12*	X
X	Presidents' Day	X	X	X	19+	20
21	22	23	24	25	26	27
28	29					

**MARCH**

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	<i>M#1</i>	<i>M#3</i>	X	X	Good Friday	X
Easter	28	29	30	31		

**APRIL**

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22*	Passover
X	25	26	27	28	29	30

**MAY**

1	2	3	④	⑤	6	7
8	⑨	⑩	11* <i>M#2</i>	12*	13	14
15	16*	<i>M#2</i>				<i>M#1</i>

**14 15/14 15/14> 15/14 15/14 15^/14 14**

DAY, EVENING, and DISTANCE EDUCATION classes begin on Tuesday, January 19.

DAY and DISTANCE EDUCATION classes end on Monday, May 16.

EVENING classes end on Tuesday, May 10.

WEEKEND classes begin on Friday, January 22 and end on Sunday, May 15.

Classes do NOT meet on named or X days.

> Tuesday contains an evening activity hour.

\* EVENING classes do not meet.

+ February 19 DAY classes do not meet.

○ Circled dates – all 3 credit EVENING classes must be extended by 5 minutes for final exam purposes.

*M#1* Makeup Day – If necessary, DAY and EVENING classes meet Monday, March 21 if necessary and WEEKEND classes meet Saturday, May 21.

*M#2* Makeup Day – If necessary, DAY classes meet Tuesday, May 17 and EVENING classes meet Wednesday, May 11.

*M#3* Makeup Day – If necessary, DAY and EVENING classes meet Tuesday, March 22.

## SUMMER 2016 ACADEMIC CALENDAR– Approved 5/14/1 - revised 11/17/15

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>MAY</b>						
X	23 SS I Start	24	25	26	X	X
X	Memorial Day	31				
<b>JUNE</b>						
			1	2	3+	4
5	6	7	8	9	X	11
12	13	14	15	16	X	18
19	20	21	22	23 SS I End	X	25
26	27 SS II Start	28	29	30	X	X
<b>JULY</b>						
					X	X
X	Independence Day	5	6	7	8+	9
10	11	12	13	14	X	16
17	18	19	20	21	X	23
24	25	26	27	28 SS II End	X	30
31						
<b>AUGUST</b>						
	1 SS III Start	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17 SS III End			

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+ Friday, June 3 AND Friday, July 8 meets on a Monday schedule.

Distance Education classes meet for ten weeks from May 23 to July 31.

Saturday classes start June 4 and end August 13.

Sunday classes start June 5 and end August 14.

SS I begins May 23 and ends June 23.

SS II begins June 27 and ends July 28.

SS III begins August 1 and ends August 17.

SS I & SS II meet four days a week for five weeks, with Friday added as noted.

SS III meets five days a week for thirteen days.

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## Appendix G

# Calendar Committee Resolution on the End of the Spring 2016 Semester

Passed by the Academic Senate on  
November 24, 2015



**To: Academic Senate Executive Committee**  
**From: Calendar Committee**  
**Subject: Resolution on the End of the Spring 2016 Semester**  
**Date: November 24, 2015**

**WHEREAS** the Spring, 2016 Academic Calendar was approved on May 14, 2013, and

**WHEREAS** the above-named calendar indicated that Evening Classes end on May 9<sup>th</sup>, 2016, resulting in only thirteen Tuesday evening classes, and

**WHEREAS** there must be fourteen evening sessions per weekday, now therefore

**BE IT RESOLVED** that the Spring, 2016 calendar be amended to indicate that Evening Classes end on May 10<sup>th</sup>, 2016.

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## SPRING 2016 ACADEMIC CALENDAR– Approved 5/14/13 - revised 11/9/15

**SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY**

**JANUARY**

	M. L. King Day	19	20	21	22	23
24	25	26	27	28	29	30
31						

**FEBRUARY**

	1	2	3	4	5	6
7	8	9	10	11	12*	X
X	Presidents' Day	X	X	X	19+	20
21	22	23	24	25	26	27
28	29					

**MARCH**

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	X	X	Good Friday	X
Easter	28	29	30	31		

**APRIL**

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22*	Passover
X	25	26	27	28	29	30

**MAY**

1	2	③	④	⑤	6	7
8	⑨	10	11*	12*	13	14
15	16*					

**14 15/14 15/14> 15/14 15/14 15^/14 14**

DAY, EVENING, and DISTANCE EDUCATION classes begin on Tuesday, January 19.

DAY and DISTANCE EDUCATION classes end on Monday, May 16.

EVENING classes end on Tuesday, May 10.

WEEKEND classes begin on Friday, January 22 and end on Sunday, May 15.

Classes do NOT meet on named or X days.

> Tuesday contains an evening activity hour.

\* EVENING classes do not meet.

+ February 19 DAY classes do not meet.

○ Circled dates – all 3 credit EVENING classes must be extended by 5 minutes for final exam purposes.

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WINTERIM 2015-2016 ACADEMIC CALENDAR – Approved 5/14/13 - revised 11/17/15

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>DECEMBER</b>					
				Christmas Day	
28	29	30	X		
<b>JANUARY</b>					
				New Year's Day	
4	5	6	7	8	
11	12	13	14	15	

*M* Makeup Day – If, necessary, DAY and EVENING classes meet Saturday, January 16.

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## SPRING 2016 ACADEMIC CALENDAR– Approved 5/14/13 - revised 11/17/15

**SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY**

**JANUARY**

	M. L. King Day	19	20	21	22	23
24	25	26	27	28	29	30
31						

**FEBRUARY**

	1	2	3	4	5	6
7	8	9	10	11	12*	X
X	Presidents' Day	X	X	X	19+	20
21	22	23	24	25	26	27
28	29					

**MARCH**

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	X	X	X	X	Good Friday	X
Easter	28	29	30	31		

**APRIL**

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22*	Passover
X	25	26	27	28	29	30

**MAY**

1	2	3	④	⑤	6	7
8	⑨	⑩	11*	12*	13	14
15	16*					

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**14 15/14 15/14> 15/14 15/14 15^/14 14**

DAY, EVENING, and DISTANCE EDUCATION classes begin on Tuesday, January 19.

DAY and DISTANCE EDUCATION classes end on Monday, May 16.

EVENING classes end on Tuesday, May 10.

WEEKEND classes begin on Friday, January 22 and end on Sunday, May 15.

Classes do NOT meet on named or X days.

> Tuesday contains an evening activity hour.

\* EVENING classes do not meet.

+ February 19 DAY classes do not meet.

○ Circled dates – all 3 credit EVENING classes must be extended by 5 minutes for final exam purposes.

## SUMMER 2016 ACADEMIC CALENDAR– Approved 5/14/1 - revised 11/17/15

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>MAY</b>						
X	23 SS I Start	24	25	26	X	X
X	Memorial Day	31				
<b>JUNE</b>						
			1	2	3+	4
5	6	7	8	9	X	11
12	13	14	15	16	X	18
19	20	21	22	23 SS I End	X	25
26	27 SS II Start	28	29	30	X	X
<b>JULY</b>						
					X	X
X	Independence Day	5	6	7	8+	9
10	11	12	13	14	X	16
17	18	19	20	21	X	23
24	25	26	27	28 SS II End	X	30
31						
<b>AUGUST</b>						
	1 SS III Start	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17 SS III End			

---

+ Friday, June 3 AND Friday, July 8 meets on a Monday schedule.

Distance Education classes meet for ten weeks from May 23 to July 31.

Saturday classes start June 4 and end August 13.

Sunday classes start June 5 and end August 14.

SS I begins May 23 and ends June 23.

SS II begins June 27 and ends July 28.

SS III begins August 1 and ends August 17.

SS I & SS II meet four days a week for five weeks, with Friday added as noted.

SS III meets five days a week for thirteen days.

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## Appendix H

### Committee for Persons with Disabilities Resolution to Change the Bylaws to Make the TRIO Director a Permanent Member of the Committee for Persons with Disabilities

Passed by the Academic Senate on  
December 22, 2015

**To:** Academic Senate

**From:** Committee for Persons with Disabilities

**Subject:** Resolution to change the ByLaws to make the TRIO Director a permanent member of the Committee for Person with Disabilities (CPD)

**WHEREAS** the ByLaws under Section 2 currently states:

**2. Membership**

Standing Representation:

Dean of Students or designee

Representative of the Office of Academic Affairs

Affirmative Action Officer

The Coordinator of the Center for Students with Disabilities; and

**WHEREAS** one of the charges for the CPD is to serve as an external evaluator to determine that the TRIO grant is meeting its objectives; and

**WHEREAS** the current TRIO director has to re-apply for membership to the CPD every two years; and

**WHEREAS** previous TRIO directors — Janis Schimsky (1998–2008) and Vic Margolis (1978–1998) — were previously designated as a permanent member of the Liaison for Students with Disabilities Committee, the former name of the CPD; and

**WHEREAS** the TRIO grant has always specified that the TRIO Director be a permanent member of the Liaison for Students with Disabilities Committee; now therefore

**BE IT RESOLVED THAT** the TRIO Director have permanent member status on the Committee for Persons with Disabilities; and

**BE IT RESOLVED THAT** the ByLaws under Section 2 be changed to:

**2. Membership**

Standing Representation:

Dean of Students or designee

Representative of the Office of Academic Affairs

Affirmative Action Officer

The Coordinator of the Center for Students with Disabilities

**TRIO Director**

## Appendix I

# Executive Committee Endorsement of the Faculty Council of Community Colleges' Rational Revenue Plan for the Community Colleges

Passed by the Academic Senate on  
December 22, 2015



**NASSAU COMMUNITY COLLEGE**  
**Inter-Departmental Memo**

**Date:** December 15, 2015

**To:** Academic Senate

**From:** Academic Senate Executive Committee

**Subject:** Endorsement of **Faculty Council of Community Colleges Resolution Supporting "Rational Revenue Plan"** for the Community Colleges

The following resolution is presented to the Academic Senate for its approval:

**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: 2015 - 2016**

**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 \$2,597 for each funded full-time-equivalent (FTE) student, which, although \$100 more per FTE than last year, nevertheless is 2.92 percent below the \$2,675/FTE that it provided at the start of 2007-08; and

**WHEREAS** last year's \$100 partial restoration, while welcomed, fell short of what was urged by the New York Community College Association of Presidents (NYCCAP) five year "Rational Revenue Plan" for moving the State closer to a 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 the percentage of costs covered by the students; 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 funding a third of community college operating costs, 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 increase of \$250 per funded FTE in State aid for 2016-2017,

**RESOLVED** that the Faculty Council of Community Colleges strongly recommends to the Governor and the State Legislature annual increases of \$250 per funded FTE in State aid over the next three years, which will move the State's share of operating costs closer to 33.3 percent by 2018-19.

## Appendix J

### Calendar Committee

#### Resolution for the Enactment of the Fall 2016, Winterim 2017, Spring 2017, and Summer 2017 Calendars Along With Provision for Emergency Make-Ups

Passed by the Academic Senate on  
March 10, 2016

**TO:** Academic Senate Executive Committee

**FROM:** Calendar Committee

**DATE:** March 10th, 2016

**SUBJECT:** Resolution for the enactment of the Fall 2016, Winterim 2017, Spring 2017, and Summer 2017 Calendars Along With Provision for Emergency Make-Ups

**WHEREAS**, the college requires calendars to operate, and;

**WHEREAS** extreme weather has caused more class cancellations in recent years, and;

**WHEREAS** excessive class cancellations may be detrimental to student learning, and;

**WHEREAS** some colleges in the Tri-state area have instituted limited make-ups to offset the impact of excessive class cancellations,

**BE IT RESOLVED THAT** the Fall 2016, Winterim 2017, Spring 2017, and Summer 2017 Calendars be enacted and that the Fall, Winterim and Spring Academic Calendars henceforth will provide for Emergency Make-Ups to be delivered as follows:

#### **A. Conditions that Trigger Make-up Instruction**

The Calendar committee will include in each fall semester a total of no more than one (1) Supplemental Make-up Instruction day and in the spring calendar a total of no more than three (3) Supplemental Make-up Instruction days, and for the Weekend College one (1) Supplemental Make-up triggered only as follows:

- 1) Three (3) days are missed in the same calendar week (Monday through Friday) the President's office may elect to schedule a make-up day of one of the missed teaching days; or
- 2) The second time that all day, evening, and online classes and activities are cancelled on the same teaching day that teaching day will be made up; and
- 3) For the Weekend College only, the second time the same weekend teaching day is cancelled that teaching day will be made up

#### **B. Delivery of Supplemental Make-up Instruction**

Supplemental Make-up Instruction will be delivered in a manner consistent with the modality (or modalities) used in the class during the entire semester. When the President's office initiates a Supplemental Make-up Instruction, faculty may implement the supplemental instruction in one of the following ways:

- 1) An instructor may opt to deliver supplemental instruction face-to-face. The President will schedule the day for the Supplemental Make-up Instruction based on the conditions mentioned in section (A) utilizing one of the make-up days identified on the Senate approved calendar and considering the preferred order of the make-up days listed on said calendar; or

2) For online, hybrid, and web-enhanced classes, an instructor may opt to provide supplemental instruction online in a manner that is consistent with how that class utilizes Blackboard (or the NCC approved online platform);

**EXAMPLES:**

**Example for situation A (1):** If all day, evening and online classes and activities are cancelled on three days in a single calendar week (Monday –Friday) the President’s Office may elect to make up those classes by choosing the day missed to make up following that day’s schedule. The date selected for the makeup should not duplicate a previously selected makeup day under B (1).

**Example for situation A (2):** If all day, evening, and online classes and activities are cancelled on any two days that follow a Monday schedule in the spring semester, the President’s Office may elect to make up those classes by following a Monday schedule on a designated make-up day (in preferred order)

**Example for situation A (3)** the second time a Saturday is cancelled for Weekend College, the President’s Office may elect to make up that Saturday class by following a Saturday schedule on a designated make-up day

**C. Verification of Supplemental Make-up Instruction**

In the event that Supplemental Make-up Instruction is implemented the faculty member will enter confirmation of the modality provided via a web interface. The interface will indicate whether the Supplemental Make-up Instruction was delivered face-to-face on the designated date or online via Blackboard (or the equivalent NCC online platform).

**D. Supplemental Instruction Make-up Dates**

The Calendar Committee will designate the one (1) Supplemental Instruction Make-up date in the fall for the Day, Evening and Weekend colleges, three (3) Supplemental Instruction Make-up dates in the spring for the Day and Evening colleges, (1) Supplemental Instruction Make-up date in the spring for the Weekend college, and (1) Supplemental Make-up date for the Winterim.

## FALL 2016 ACADEMIC CALENDAR–3/10/16

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>SEPTEMBER</b>						
				1	2*	X
X	Labor Day	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
<b>OCTOBER</b>						
						1
2	Rosh Hashanah	4	5	6	7	8
9	10	11*	Yom Kippur	13	14	15
16	17	18^	19	20	21	22
23	24	25	26	27	28	29
30	31					
<b>NOVEMBER</b>						
		1	2	3	4	5
6	7	8	9	10*	Veterans Day	12
13	14	15	16	17	18	19
20	21	22	23	Thanksgiving	X	X
X	28	29	30			
<b>DECEMBER</b>						
				1	5	3
4	5	6	7	8	9	10
11	12	13	⑭	⑮	16	17
18	⑰	⑳	21* ME	22*^ ME	23+ MD	MW
14	15/14	15/15>	15/14	15/14	15/14	14

DAY, EVENING, and DISTANCE EDUCATION classes begin on Thursday, September 1.

WEEKEND classes begin on Friday, September 9 and end on Friday, December 23.

DAY and DISTANCE EDUCATION classes end on Thursday, December 22.

EVENING classes end on Tuesday, December 20.

Classes do NOT meet on named or X days.

^Conversion Day – Tuesday, October 18 DAY classes meet on Monday schedule; EAH scheduled at 5:30.

^Conversion Day – Thursday, December 22 DAY classes meet on Friday schedule.

+December 23 DAY classes do not meet.

> Tuesday contains an evening activity hour.

\* EVENING classes do not meet.

○ Circled dates – all 3 credit EVENING classes must be extended by 5 minutes for final exam purposes.

ME Makeup Evening – If necessary, EVENING classes meet Wednesday, December 21 (if a Monday or Wednesday is being made up) or Thursday, December 22 (if a Tuesday or Thursday is being made up).

MD Makeup Day – If necessary, DAY classes meet Friday, December 23.

MW Makeup Weekend – If necessary, WEEKEND classes meet Saturday, December 24.

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**WINTERIM 2017 ACADEMIC CALENDAR–3/10/16**

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
<b>DECEMBER</b>					
X	27	28	29	30	
<b>JANUARY</b>					
X	3	4	5	6	
9	10	11	12	13	<i>M</i>

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*M* Makeup Day – If necessary, DAY and EVENING classes meet Saturday, January 14.

~~SPRING 2017 ACADEMIC CALENDAR 3/10/16~~

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>JANUARY</b>						
	M. L. King Day	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
<b>FEBRUARY</b>						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17*	X
X	Presidents' Day	X	X	X	24+	25
26	27	28				
<b>MARCH</b>						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
<b>APRIL</b>						
						X MW
X	3	4	5	6	7	8
9	X	Passover	X	X	Good Friday	X
Easter	17	18	19	20	21	22
23	24	25	26	27	28	29
30						
<b>MAY</b>						
	1	2	③	④	5	6
7	⑧	⑨	10* ME	11* ME	12*	13
14	15* ME	MD	MD	MD		
14	15/14	15/15 >	15/14	15/14	15/14	14

DAY, EVENING and DISTANCE EDUCATION classes begin on Tuesday, January 17.

WEEKEND classes begin on Friday, January 20 and end on Sunday, May 14.

DAY and DISTANCE EDUCATION classes end on Monday, May 15.

EVENING classes end on Tuesday, May 9.

> Tuesday contains an evening activity hour.

Classes do NOT meet on named or X days.

\* EVENING classes do not meet.

+Feb 24 DAY classes do not meet.

○ Circled dates – all 3 credit EVENING classes must be extended by 5 minutes for final exam purposes.

ME Makeup Evening – If necessary, EVENING classes meet as designated by the Senate resolution dated Mar. 10, 2016.

MD Makeup Day – If necessary, DAY classes meet as designated by the Senate resolution dated Mar. 10, 2016.

MW Makeup Weekend – If necessary, WEEKEND classes meet as designated by the Senate resolution dated Mar. 10, 2016.



## SUMMER 2017 ACADEMIC CALENDAR –3/10/16

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>MAY</b>						
	Memorial Day	30 (SSI Start)	31			
<b>JUNE</b>						
4	5	6	7	1 8	2+ X	3 10
11	12	13	14	15	X	17
18	19	20	21	22	X	24
25	26	27	28	29 (SSI End)	X	
<b>JULY</b>						
						X
X	3 (SSII Start)	Independence Day	5	6	7#	8
9	10	11	12	13	X	15
16	17	18	19	20	X	22
23	24	25	26	27	X	29
30	31					
<b>AUGUST</b>						
		1	2	3 (SSII End)	X	5
6	7 (SSIII Start)	8	9	10	11	12
13	14	15	16	17	18	X
X	21	22	23 (SSIII End)			

+ Friday, June 2, classes meet on a Monday schedule.

# Friday, July 7, classes meet on a Tuesday schedule.

Distance Education classes meet for ten weeks from May 30 to August 3.

Saturday classes start June 3 and end August 12.

Sunday classes start June 4 and end August 13.

SS I begins May 30 and ends June 29.

SS II begins July 3 and ends Aug 3.

SS III begins Aug 7 ends Aug 23.

SS I & SS II meet four days a week for five weeks, with certain Fridays added as noted.

SS III meets five days a week for thirteen days.

## Appendix K

### Executive Committee

#### Resolution in Support of NCC Board of Trustees Members Weiss and Drucker's Call for an Independent Investigation at the February 9th, 2016 Board of Trustees Meeting

Passed by the Academic Senate on  
March 10, 2016

**TO:** Academic Senate

**FROM:** Academic Senate Executive Committee

**DATE:** March 10, 2016

**RE:** Resolution in Support of NCC Board of Trustees Members Weiss & Drucker's Call for an Independent Investigation at the February 9, 2016 Board of Trustees Meeting

**Whereas,** Nassau Community College has been without a permanent President since July, 2012, and

**Whereas,** the College faces a number of serious financial and other challenges that may impact its ability to offer a high-quality, low cost education, and

**Whereas,** the selection of its next President is crucial to the College's ability to meet those challenges, and

**Whereas,** Nassau Community College is governed by New York State Education Law which gives community college boards of trustees the power to "appoint a president for the college, subject to approval of the state university trustees" (Title 7 Article 126 § 6306), and

**Whereas,** the College is in the middle of its decennial review for reaccreditation by its regional accreditor, the Middle States Commission for Higher Education, which requires accredited institutions to adhere to certain standards, and

**Whereas,** Standard 4: Leadership and Governance, of Middle States' *Characteristics of Excellence in Higher Education*, gives a college's governing body the responsibility to "select, determine compensation for and evaluate the chief executive officer," and specifies that governing bodies "should not allow political or other influences to interfere with governing body duties," and

**Whereas,** Middle States Standard 6 requires an accredited institution to have "fair and impartial practices in the hiring, evaluation and dismissal of employees," and "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,** the State University of New York's *Guidelines for Presidential Searches* state 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" [Emphasis in original], and

**Whereas,** the College and all its employees, paid or unpaid, are governed by the Nassau County Code of Ethics (Section 2218 of the Nassau County Charter as amended by Local Law No. 4-2007) which states that "No officer or employee of the County shall use the resources of the county in furtherance of his or her business, professional or political interests or activities" [*Code of Ethics Booklet*, issued 02/09, p. 80], and

**Whereas**, allegations of improprieties in the current presidential search that occurred after the work of the search committee had been completed have circulated widely in the college community, and

**Whereas**, these allegations were discussed at the February 9, 2016 meeting of the College's Board of Trustees (BoT), and

**Whereas**, at this meeting, Dr. Kathy Weiss, one of the College's trustees, read a statement indicating that she had received a copy of an email sent to SUNY alleging that one of the candidates for the presidency had made statements concerning his candidacy's status, and that a member of the college's administrative staff had tainted the search process through his actions, and

**Whereas**, Dr. Weiss called for any member of the BoT who had committed his or her vote to one of the candidates for the presidency prior to their interviews to resign, and

**Whereas**, Dr. Weiss further called for any BoT member who had been told by outside parties who they should vote for to admit it immediately and resign, and

**Whereas**, Arnold Drucker, Esq., one of the college's trustees, read a statement calling for the veracity of the allegations to be investigated by an outside entity, not affiliated with the college, in order to ensure the integrity of the search, and

**Whereas**, the Academic Senate believes that given the confusion and uncertainty surrounding the College's Presidential searches over the past four years, it is essential that there be no doubt in anybody's mind that this search was unbiased and fair to all parties, and

**Whereas**, failure to conduct an independent investigation of the allegations currently circulating may leave an ethical cloud over the search and the college,

**Be it Therefore Resolved**, that the Academic Senate strongly supports Trustee Drucker's call for an independent investigation of these allegations.

## Appendix L

# Curriculum Committee AOS Resolution

Passed by the Academic Senate on  
April 21, 2016

A change to Section II of the Committee's Procedure Manual

TO: Academic Senate  
FROM: College-Wide Curriculum Committee  
SUBJECT: A.O.S. Resolution  
DATE: Mar. 31, 2016

**Whereas**, SUNY and the New York State Education Department recommend the development of A.O.S. degrees, and

**Whereas**, the CWCC manual does not have a procedure for the submission of A.O.S. Degrees, and

**Whereas**, placement testing and the completion of developmental coursework are required for A.A., A.S., and A.A.S. Degrees as well as Certificate programs

**Therefore**, Be it Resolved that the following change to the CWCC manual be approved:

Section II  
I. C. Structure

**4. New A.O.S. Degree Programs**

New A.O.S. (Associate in Occupational Studies) Degree Programs, which are vocational programs specifically designed for job placement upon completion, must include

No more than 64 credits

ENG 100 or ENG 101

One academic course in an area outside the department offering the A.O.S. Program.

Students enrolling in the A.O.S. Degree are required to follow NCC policy on placement tests and **MUST** complete required developmental courses indicated by placement. Students who place into BEP will be identified as majors of the A.O.S. Degree Program.

## Appendix M

# Developmental Education Committee Resolution to Amend the Developmental Education Committee's By-Laws

Passed by the Academic Senate on  
April 21, 2016

**To :** Academic Senate  
**From :** Developmental Education Committee  
**Date :** February 23, 2016  
**Subject:** Resolution to amend the Developmental Education Committee By-laws

**WHEREAS** the Developmental Education Committee is charged with ensuring the welfare of students enrolled in developmental coursework in all areas 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 students taking developmental courses, and

**WHEREAS** the faculty of the Language Immersion at Nassau Community College (LINCC) program are a part of the collective bargaining unit of the NCCFT, and as such hold full membership in the Academic Senate, and

**WHEREAS** the LINCC faculty hold memberships on Senate Committees, and

**WHEREAS** there is no representation on the Developmental Education Committee of the LINCC faculty, 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 follows [additions in **boldface**, deletions in ~~strike through~~].

### 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  
Coordinator of Placement, English Department  
Coordinator of ESL (English as a Second Language) Placement, English Department,  
Coordinator of NCC101,



**Academic Coordinator of the LINCC Program (or designee)**

Coordinator of Mathematical Remediation

Coordinator of **non-ESL Placement** Testing

Representative of the Office of Academic Affairs

NCCFT Representative

Student Government Association Representative

Individual designated by the Office for Academic Affairs to coordinate **testing of students for ESL needs and placement. 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

Coordinator of Placement, English Department

Coordinator of ESL (English as a Second Language) Placement, English Department

Coordinator of NCC101

Academic Coordinator of the LINCC Program (or designee)

Coordinator of Mathematical Remediation

Coordinator of non-ESL Placement Testing

Representative of the Office of Academic Affairs

NCCFT Representative

Student Government Association Representative

Individual designated by the Office for Academic Affairs to coordinate testing of students for ESL needs and placement.

Other Representation:

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

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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,

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