



# Board of Trustees Meeting Minutes

## Regular Monthly Meeting

January 28, 2026 | 5:00 pm | 2403 W. 8<sup>th</sup> Street, Erie West, Founder’s Rm 307A

Zoom Meeting ID: 864 7949 2792

Zoom Passcode: 113651

### 1. Call to Order-Time: 5:01pm

### 2. Roll Call

Trustee	Roll Call
Secretary Ejay Fyke	Y via Zoom
Geoffrey Groce	Y
Kurt Hersch	Y
Robert Merrill	Y
Msg. David Rubino	Y
Vice Chairperson Cheryl Rush Dix	Y via Zoom
Christina Vogel	Y
Chairperson Dr. Michael Victor	Y via Zoom

With a quorum confirmed, the Trustees proceeded with the agenda.

### College Employees/Other Attendees (9)

Founding President Chris Gray Ph.D.; Executive Assistant Renée Triana; Executive Vice President Guy Goodman; CFO Frank Moore via Zoom; Executive Director of External Relations & Strategy Shawn Waskiewicz; Solicitor Tim Wachter; Kathryn Schaaf, HR & Workforce Development Manager and Edward Rozumalski, IT Support Technician (and EC3 Graduate) at Industrial Sales and Manufacturing; and Lily Anne Larson EC3 Graduate and PTK Inductee.

### 3. Approval of November 19, 2025, Regular and Annual Meeting Minutes (pg. 75-81)

<b>Motion</b>  1	Resolution to Approve the November 19, 2025, Regular Meeting Minutes
------------------------	--

There was no discussion.

Trustee	Motion 1	Vote
Secretary Ejay Fyke		Y
Geoffrey Groce		Y
Kurt Hersch		Y
Robert Merrill	1	Y
Msg. David Rubino	2	Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to approve the November 19, 2025 regular and annual meeting minutes was approved unanimously via voice vote.

4. **Public Participation**-None

5. **Communication**

A. **President’s Report**

Chris Gray, Ph.D.

Dr. Gray reviewed the College’s KPI’s data available on the College website. He also informed the Board of a fraud scheme appearing at the state and federal level concerning the appearance of ghost student enrollment. Ghost student enrollment is happening at EC3. Student Services is aware, combating the issue, and consulting other institutions for guidance. There are no recommendations to the Board at this time, but Dr. Gray wanted them to be aware of it.

B. **Ad Hoc Committees and Advisory Groups**

1. Foundation-President’s Advisory Group

Trustee Ejay Fyke, Board Representative

- a. **Report**-Trustee Fyke reported two Foundation events taking place-Emerging Leaders on February 24<sup>th</sup> and Leaders Shaping Erie on March 18<sup>th</sup> which speakers include Mayor Devlin, County Executive Vogel, and former Mayor Joyce Savocchio. He also reported that the silent phase of the scholarship campaign is in full swing with more information coming forward at the March Board of Trustees’ meeting.

C. **Chairperson of the Board**

Chairperson Michael Victor, J.D., LL.D.

Chairperson Dr. Victor thanked the trustee for their committee work that allows the full board meetings to run efficiently. He then thanked founding trustee Christina Vogel for her service to EC3 as she has submitted her resignation to the Board effective January 31, 2026 as she takes on her new role as County Executive.

D. **Other**-There were no other reports.

**\*Continued**

**6. Presentation- Student Success Stories**

Shawn Waskiewicz, Executive Director of External Relations & Strategy

Shawn Waskiewicz introduced presenters HR & Workforce Development Manager at Industrial Sales and Manufacturing (ISM), Kathryn Schaaf, EC3 graduate and IT Support Technician at ISM, Edward Rozumalski, and EC3 graduate and PTK Honor Society Member, Lily Anne Larson.

Ms. Schaaf spoke of ISM’s desire to hire EC3 graduates because they are highly skilled with industry knowledge and skills, ready to enter the workforce. Ms. Larson spoke of her journey at EC3 and that she will be continuing her education at PennWest following her graduation in May.

**7. Standing Committee Reports and New Business**

**A. Academic Committee**

Vice Chairperson Cheryl Rush Dix

- 1. Report**-Vice Chairperson Rush Dix reported the committee met January 14<sup>th</sup> and discussed the policies being presented for approval. EVP Goodman also provided information concerning the purchase of Health Science software and the implementation of the dual credit grant.

**2. New Business**

<b>Motion 2</b>	Resolution to Approve the Purchase of Equipment from Pocket Nurse for the Center for Health Sciences in the Amount of \$26,883.62 [Board Report #26-01] (pg. 4)
---------------------	---

There was no discussion.

Trustee	Motion 2	Vote
Secretary Ejay Fyke		Y
Geoffrey Groce	2	Y
Kurt Hersch		Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix	1	Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to approve the purchase of equipment from Pocket Nurse for the Center for Health Sciences in the amount of \$26,883.62 was approved unanimously via voice vote.

<b>Motion 3</b>	Resolution to Amend Policy II.A.1: Policy Against Discrimination and Harassment [Board Report #26-02] (pg. 5-42)
---------------------	--

There was no discussion.

**\*Continued**

Trustee	Motion 3	Vote
Secretary Ejay Fyke		Y
Geoffrey Groce		Y
Kurt Hersch		Y
Robert Merrill		Y
Msg. David Rubino	2	Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel	2	Y
Chairperson Dr. Michael Victor		Y

Resolution to amend Board Policy II.A.1: Policy Against Discrimination and Harassment was approved unanimously via voice vote.

<b>Motion 4</b>	Resolution to Implement Board Policy II.A.6: Anti-Hazing Policy [Board Report #26-03] (pg. 43-46)
-----------------	---

There was no discussion.

Trustee	Motion 4	Vote
Secretary Ejay Fyke	1	Y
Geoffrey Groce		Y
Kurt Hersch		Y
Robert Merrill		Y
Msg. David Rubino	2	Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to implement Board Policy II.A.6: Anti-Hazing Policy was approved unanimously via voice vote.

**B. Personnel Committee**

Trustee Robert Merrill

- Report**-Trustee Merrill reported that the committee met on January 14<sup>th</sup> where Director Daugherty relayed information concerning the on and off boarding of employees. She also informed Trustee Merrill that end of the year reviews were completed for staff and confirmed that faculty reviews would happen in July. She also notified Trustee Merrill of the summary of supervisor training plans and discussed the two policies being reaffirmed.

**\*Continued**

2. **New Business**-No Action Items

<b>Motion</b> 5	Resolution to Reaffirm and Amend Personnel Related Board Policies to Reflect Current Practice [Board Report #26-04] (pg. 47) <ul style="list-style-type: none"> <li>• Policy III.E.1: Conflicts of Interest</li> <li>• Policy III.E.2: Nepotism</li> </ul>
--------------------	--

There was no discussion.

Trustee	Motion 5	Vote
Secretary Ejay Fyke		Y
Geoffrey Groce		Y
Kurt Hersch		Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix	2	Y
Christina Vogel	1	Y
Chairperson Dr. Michael Victor		Y

Resolution to Reaffirm Board Policy III.E.1: Conflicts of Interest and Amend Board Policy III.E.2: Nepotism to reflect current practice were approved unanimously via voice vote.

C. **Finance Committee Report**

Trustee Kurt Hersch

1. **Report**-Trustee Hersch reported that the committee met on January 18th. He reviewed the financials with the Trustees. He explained the variances and how reserves were important to the College during the budget and federal government impasses. He thanked the county government for advancing the College’s quarterly payment for January.
  - a. December YTD Budget Summary 2025-2026 (pg. 48)
  - b. December 2025 Bank Reconciliation (pg. 49)

2. **New Business**

<b>Motion</b> 6	Resolution to Approve the Final Fiscal Year 2026 Budget [Board Report #26-05] (pg. 50-54)
--------------------	---

Dr. Gray and CFO Frank Moore explained that the budget was adjusted to the actuals since they were already months into the fiscal year. Dr. Gray reported that there had been traction concerning the College’s Title IV application as of this past Thursday. He also reported that the College will work with the Federal Financial Aid consultant for implementation once approved.

**\*Continued**

Trustee	Motion 6	Vote
Secretary Ejay Fyke		Y
Geoffrey Groce		Y
Kurt Hersch	2	Y
Robert Merrill		Y
Msg. David Rubino	1	Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to approve the Final Fiscal Year 2026 Budget was approved unanimously via voice vote.

<b>Motion 7</b>	<p>Resolution to Reaffirm and Amend Finance, Facilities, and Information Technology Related Board Policies to Reflect Current Practice [Board Report #26-06] (pg. 55-73)</p> <ul style="list-style-type: none"> <li>• Policy II.B.5: Use and Duplication of Software</li> <li>• Policy II.B.6: Acceptable Use Policy for Interactive Systems</li> <li>• Policy II.B.7: Policy for Responsible Computing</li> <li>• Policy III.D.2: Reimbursement for Authorized Travel and Business Expenses</li> <li>• Policy VI.A.2: Contracting Practices and Management</li> <li>• Policy VI.A.4: Purchases and Contracts Requiring Board Authorization</li> <li>• Policy VI.A.5: Expenditure Approval Requirements</li> <li>• Policy VII.C.1: Use of College Equipment and Facilities</li> </ul>
---------------------	---

There was no discussion.

Trustee	Motion 7	Vote
Secretary Ejay Fyke		Y
Geoffrey Groce		Y
Kurt Hersch	2	Y
Robert Merrill	1	Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to reaffirm and amend Finance, Facilities, and Information Technology related Board Policies to reflect current practice was approved unanimously via voice vote.

D. **Other**

- 1. Discuss Recommendations to the Erie County Government Concerning Potential EC3 Board Members** -Dr. Gray and Chairperson Dr. Victor lead discussions concerning open seats on the EC3 Board. Trustee Mock’s seat has been open for a year with a prior candidate recommendation that was not supported by the county. Dr. Gray reported that the new County Liaison to the College is Councilman Jim Wertz. Dr. Gray and Chairperson Dr. Victor think it will be helpful to make recommendations to the County either in category, criteria or a specific person to help move the process along as it’s critical to our accrediting body. While these recommendations are advisory, they help ensure the board remains strong, diverse, and aligned with the college’s mission. By compiling a list of candidates who reflect the qualities needed for effective governance, the committee provides the County Government with a pool of individuals capable of advancing the college’s mission and strengthening its leadership.

The Trustees reviewed a list of categories and provided recommendations. Vice Chairperson Rush Dix suggested that this topic is reviewed annually during the board self-assessment. There were also discussions to add a student trustee which the bylaws allow. The student would not have a vote and would not be allowed into closed executive sessions per the Solicitor Wachter. Dr. Gray said these considerations would be added to March’s Executive Committee agenda.

- 2. New Business**

<b>Motion 8</b>	Resolution to Reaffirm Policy I.A.1: Duties of the Board of Trustees [Board Report #26-07] (pg. 74)
---------------------	---

There was no discussion.

Trustee	Motion 8	Vote
Secretary Ejay Fyke		Y
Geoffrey Groce		Y
Kurt Hersch	2	Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel	1	Y
Chairperson Dr. Michael Victor		Y

Resolution to Reaffirm Board Policy I.A.1: Duties of the Board of Trustees was approved unanimously via voice vote.

**\*Continued**

**8. Presentation- Title IV Update and EC3’s Operational Response**

Guy Goodman, Executive Vice President of Academics and Student Affairs  
Frank Moore, CFO

EVP Goodman reported that the College opened with just over 200 students in 2021 and has since grown to 800 students. However, this level of growth is not sustainable; there must be a balance between student enrollment and institutional capacity. To manage this growth responsibly, EC3 is focusing on refining its program offerings, running full sections, strategically utilizing adjunct faculty, and leveraging success coaches to help students navigate alternative schedules that meet their needs.

The College has been able to offer free tuition to Erie County residents due to the generosity of the Commonwealth, Erie County, and private donors. The Board previously approved the financial transition plan, “Plan Let’s Go,” and leadership continues to keep the Board informed through regular updates and budget modifications tied to the status of the College’s Title IV application, submitted in July 2024.

The College saw positive traction last week with the support of our government representatives. If the application is approved for the spring semester, the College will receive revenue that was not previously anticipated. In preparation for the transition to federal funding, the College is requiring students to complete the FAFSA. This will ensure that necessary information is collected in the event Title IV funding is approved for the spring and will allow eligible students to receive the Pioneer Scholarship, which provides free tuition.

**9. Executive Session- None**

**10. Motion to Adjourn-Time: 6:15pm**

Trustee	Motion 9	Vote
Secretary Ejay Fyke	2	Y
Geoffrey Groce		Y
Kurt Hersch		Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix	1	Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Motion to adjourn the meeting at **6:15pm** was approved unanimously via voice vote.

**Next Regular Meeting is March 25, 2026 at 5:00PM**



COMMUNITY  
COLLEGE

# Board of Trustees

## Regular Meeting Book

January 28, 2026

EC3 Erie West

2403 West 8<sup>th</sup> Street

Founders' Room 307A

Erie, Pennsylvania 16505

Meeting ID: 864 7949 2792 | Passcode: 113651



# Board of Trustees Meeting Agenda

## Regular Monthly Meeting

January 28, 2026 | 5:00 pm | 2403 W. 8<sup>th</sup> Street, Erie West, Founder’s Rm 307A

Zoom Meeting ID: 864 7949 2792

Zoom Passcode: 113651

1. Call to Order
2. Roll Call
3. Approval of November 19, 2025, Regular and Annual Meeting Minutes (pg. 75-81)

Motion 1	Resolution to Approve the November 19, 2025, Regular Meeting Minutes
-------------	--

4. Public Participation
5. Communication
  - A. **President’s Report**  
Chris Gray, Ph.D.
  - B. **Ad Hoc Committees and Advisory Groups**
    1. Foundation-President’s Advisory Group  
Trustee Ejay Fyke, Board Representative
      - a. Report
  - C. **Chairperson of the Board**  
Chairperson Michael Victor, J.D., LL.D.
  - D. **Other**
6. Presentation- Student Success Stories  
Shawn Waskiewicz, Executive Director of External Relations & Strategy
7. Standing Committee Reports and New Business
  - A. **Academic Committee**  
Vice Chairperson Cheryl Rush Dix
    1. Report
    2. New Business

Motion 2	Resolution to Approve the Purchase of Equipment from Pocket Nurse for the Center for Health Sciences in the Amount of \$26,883.62 [Board Report #26-01] (pg. 4)
-------------	---

Motion 3	Resolution to Amend Policy II.A.1: Policy Against Discrimination and Harassment [Board Report #26-02] (pg. 5-42)
-------------	--

Motion 4	Resolution to Implement Board Policy II.A.6: Anti-Hazing Policy [Board Report #26-03] (pg. 43-46)
-------------	---

**B. Personnel Committee**

Trustee Robert Merrill

1. Report
2. New Business-No Action Items

Motion 5	Resolution to Reaffirm and Amend Personnel Related Board Policies to Reflect Current Practice [Board Report #26-04] (pg. 47) <ul style="list-style-type: none"><li>• Policy III.E.1: Conflicts of Interest</li><li>• Policy III.E.2: Nepotism</li></ul>
-------------	---

**C. Finance Committee Report**

Trustee Kurt Hersch

1. Report
  - a. December YTD Budget Summary 2025-2026 (pg. 48)
  - b. December 2025 Bank Reconciliation (pg. 49)
2. New Business

Motion 6	Resolution to Approve the Final Fiscal Year 2026 Budget [Board Report #26-05] (pg. 50-54)
-------------	---

Motion 7	Resolution to Reaffirm and Amend Finance, Facilities, and Information Technology Related Board Policies to Reflect Current Practice [Board Report #26-06] (pg. 55-73) <ul style="list-style-type: none"><li>• Policy II.B.5: Use and Duplication of Software</li><li>• Policy II.B.6: Acceptable Use Policy for Interactive Systems</li><li>• Policy II.B.7: Policy for Responsible Computing</li><li>• Policy III.D.2: Reimbursement for Authorized Travel and Business Expenses</li><li>• Policy VI.A.2: Contracting Practices and Management</li><li>• Policy VI.A.4: Purchases and Contracts Requiring Board Authorization</li><li>• Policy VI.A.5: Expenditure Approval Requirements</li><li>• Policy VII.C.1: Use of College Equipment and Facilities</li></ul>
-------------	---

**D. Other**

1. Discuss Recommendations to the Erie County Government Concerning Potential EC3 Board Members
2. New Business

Motion 8	Resolution to Reaffirm Policy I.A.1: Duties of the Board of Trustees [Board Report #26-07] (pg. 74)
-------------	---

**\*Continued**

8. Presentation- Title IV Update and EC3's Operational Response  
Guy Goodman, Executive Vice President of Academics and Student Affairs  
Frank Moore, CFO

9. Executive Session

10. Motion to Adjourn

---

Division and Department Information (pg. i1-i21)

- |   |                                  |
|---|----------------------------------|
| A. Academic Affairs (pg. i1-i4)         | E. Human Resources (pg. i16-i17) |
| B. Student Affairs (pg. i5-i6)          | F. Marketing (pg. i18-i19)       |
| C. Enrollment (pg. i7-i12)              | G. EC3 Foundation (pg. i20-i21)  |
| D. Finance and Operations (pg. i13-i15) |                                  |

**Next Regular Meeting is March 25, 2026 at 5:00PM**



Resolution to Approve the Purchase of Equipment from  
Pocket Nurse for the Center for Health Sciences in the Amount of \$26,883.62

Information

As the Center for Health Sciences comes closer to completion, the College will begin to purchase the needed equipment to outfit the new facility, making it ready for classes to begin utilizing the space once opened. The purchase of the medical furniture and equipment will allow for the current allied health programs to function effectively in the new space while maintaining a fiscally responsible spending process to phase in all equipment.

Recommendation

The Academic Committee recommends that the Board of Trustees moves to approve the purchase of equipment from Pocket Nurse in the amount of \$26,883.62 to ready the Center for Health Sciences for its opening.



Resolution to Amend Board Policy II.A.1: Policy Against Discrimination and Harassment

Information

As part of the required five-year review process, Policy II.A.1 has been evaluated against current federal Title IX policy and procedures by our Solicitor's office. The included policy amendment reflects necessary changes due to an Executive Order signed by President Trump to return the Title IX regulations to the standards that existed in 2020. Institutions are required to follow these updated regulations in reviewing and determining responsibility in Title IX investigations going forward.

Recommendation

It is recommended that the Board of Trustees moves to approve the amendment to Policy II.A.1: Policy Against Discrimination and Harassment as presented.



**Redline**

**Policy II.A.1: Policy Against Discrimination and Harassment**

**I. INTRODUCTION**

~~Erie County Community College is committed to maintaining an educational and working environment free of discrimination and harassment. Under this policy, all forms of discrimination or harassment will not be tolerated. This policy includes harassment and discrimination as defined by the following federal regulations: Title II (Americans with Disabilities Act of 1990), Title VI (Civil Rights Act of 1964), Title IX (Discrimination based on sex/gender and pregnancy and parental status), Section 504 of the Rehabilitation Act of 1973, and Age Discrimination Act of 1975.~~

**II. POLICY**

**A. Scope of Policy**

~~This policy applies to all students, faculty, administrators, staff, employees, vendors, contractors, volunteers, and visitors to the College. Under this policy, the College has jurisdiction over reports of discrimination or harassment that takes place on all College property and at any location, event or circumstance over which the College has substantial control over both the alleged Respondent and the context in which the conduct occurs, to include any building owned or controlled by a student organization that is officially recognized by the College.~~

~~At the time of the filing of a formal complaint, the Complainant must be participating in or attempting to participate in the College's educational programming or activity or working or attempting to work at the College. Students, employees, and third parties may file reports of discrimination or harassment under this policy.~~

**B. Title IX Coordinator**

~~The College's Title IX Coordinator is responsible for overseeing the administration of this policy and the College's response to reports made pursuant to this policy. The contact information for the Title IX Coordinator is:~~

~~E-mail: [TitleIX@ec3pa.org](mailto:TitleIX@ec3pa.org)  
Phone: 814-413-7000  
Coordinator: Vice President of Academic and Student Affairs~~

**C. Included Conduct Prohibited by this Policy**

~~The following conduct is prohibited by this policy:~~

**1. Sexual Harassment, defined as follows:**

- ~~a. **Sexual Assault:** Sexual assault includes any forcible or non forcible sexual act directed against another person without the consent of said person, including instances where the person is incapable of giving consent. Sexual assault includes the offenses of rape, fondling, incest, statutory rape, forcible sodomy (oral or anal sexual intercourse), and sexual assault with an object. These terms and other forms of sexual assault are further defined by the Code of Federal Regulations and the Pennsylvania Crimes Code, as set forth in Appendix A of this policy. The conduct defined in Appendix A is also prohibited by this policy.~~
- ~~b. **Sexual Harassment:** Sexual harassment is unwelcome\*\* verbal or physical conduct based on sex or gender or unwelcome verbal or physical conduct of a sexual nature (including sexual advances or requests for sexual favors) when:
 
  - ~~i. Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of an individual's employment, study, or participation in College-sponsored activities;~~
  - ~~ii. Submission to or rejection of such conduct is used as the basis for decisions affecting a person's study, employment, or participation in College-sponsored activities; or~~
  - ~~iii. The conduct is determined by a reasonable person to be **so severe, pervasive and objectively offensive** it effectively denies a person's equal access to the College's education program or activity, work or academic performance or ability to participate in or receive the benefits, services, or opportunities in academic or work programs, or it creates an intimidating, hostile, offensive, or demeaning academic or working environment;~~~~



~~\*\*Conduct is “unwelcome” if it was not requested or invited by the Complainant, and the Complainant considered the conduct to be undesirable or offensive. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct does not necessarily mean that a person welcomed other conduct. The fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.~~

~~Examples of behavior which may be considered sexual harassment include, but are not limited to~~

- ~~• Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or any other aide, benefit or service of the College;~~
- ~~• Language or behavior of a sexual nature;~~
- ~~• Sexually explicit statements, questions, jokes or teasing;~~
- ~~• Unnecessarily touching, panting, hugging or brushing against a person’s body or unwelcome advances;~~
- ~~• Remarks of a sexual nature regarding a person’s clothing, body, sexual activity, previous sexual experience, or sexual orientation;~~
- ~~• Repeated requests for dates or social interaction made through verbal requests, social media, texts, notes telephone calls, facsimiles, e-mails, or other electronic communication;~~
- ~~• Visual displays of inappropriate sexual images;~~
- ~~• Removal or exclusion from participation based upon gender or sexual orientation; and~~
- ~~• Attempted or actual incidents of Sexual Assault, Sexual Violence, or any of the other conduct prohibited by this policy.~~

~~c. Sexual Violence: Sexual violence is physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including Sexual Assault.~~

**2. Relationship Violence is a broad term that includes the following behavior:**

~~a. Dating Violence: Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence. Note: Dating Violence is not defined under Pennsylvania law.~~

~~b. Domestic Violence: Domestic Violence is a felony or misdemeanor crime of violence committed by:~~

- ~~o A current or former spouse or intimate partner of the victim;~~
- ~~o By a person with whom the victim shares a child in common;~~
- ~~o By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;~~
- ~~o By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Pennsylvania; or~~
- ~~o By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Pennsylvania. Note: Domestic Violence is not defined under Pennsylvania law.~~

**3. Stalking:**

~~Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:~~

- ~~• Fear for the person’s safety or the safety of others; or~~
- ~~• Suffer substantial emotional distress.~~



~~“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.~~

~~“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.  
Stalking as defined by the Pennsylvania Crimes Code is also prohibited conduct under this policy.  
See Appendix A.~~

**4. ~~Retaliation:~~**

~~Any adverse treatment that is reasonably likely to deter someone from filing a report or participating in an investigation or disciplinary process under this policy.~~

~~Retaliation can be verbal, written, graphic, electronic or physical, and can include but is not limited to intimidation, threats, coercion or unfavorable employment or educational actions directed toward an individual to deter them from filing a report or participating in the investigation or disciplinary process. Retaliation also includes acts taken with the intent of seeking retribution against an individual who filed a report or who otherwise participated in the investigation or disciplinary process.~~

**D. ~~Important Information Regarding Prohibited Conduct~~**

**1. ~~Consent~~**

~~As used in this policy, the term “Consent” means words or actions that show a knowing and voluntary agreement to engage in mutually agreed sexual activity. Consent must be ongoing throughout sexual activity and can be revoked at any time. Silence or absence of resistance will not necessarily imply consent. Assent (an affirmative statement or action) shall not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of their intoxication, unconsciousness, youth, mental deficiency or incapacity (also known as “Incapacitation”), or if the assent is the product of threat, force, or coercion. Consent to prior sexual activities does not constitute consent to future acts. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.~~

**2. ~~Prohibited Conduct Through Different Communication Mediums~~**

~~Violations of this policy may occur through various communication mediums, including but not limited to, face to face contact, telephone, written notes, Wiki contributions, instant messages, text messaging, file sharing, voice chat, video chat, social networking, or blogging that occurs on College property or at any location, event or circumstance over which the College has substantial control over both the alleged Respondent and the context in which the conduct occurs.\*\*~~

~~\*\*Misconduct that occurs through the use of the above mediums and does not fall within the jurisdiction of this policy may still be investigated under the College’s Anti-Discrimination and Harassment Complaint Policy and Non-Title IX Policy Against Sexual Misconduct, Relationship Violence, and Stalking.~~

**3. ~~Attempting, Assisting, or Encouraging Prohibited Conduct~~**

~~An attempt to commit any of the prohibited conduct identified in this policy or assisting or willfully or knowingly encouraging such prohibited conduct, may also be considered a violation of this policy.~~

**4. ~~Retaliation~~**

~~The College prohibits retaliation against any individual who makes or intends to make a report of sexual misconduct or Title IX sexual harassment under this policy or participates or intends to participate in the investigatory or disciplinary process under this policy. Retaliation in violation of this policy will be subject to disciplinary action.~~

**5. ~~Consensual Sexual or Romantic Relationships~~**

~~Consensual relationships occurring between supervisors and subordinates, or faculty and students can lead to circumstances which may be interpreted as sexual harassment. Consensual relationships may also be viewed as causing a hostile or offensive work or academic environment when other staff or students believe that the person(s) involved in the relationship(s) is/are receiving favorable treatment in employment or educational decisions and actions.~~



~~For this reason, the College strongly discourages any sexual or romantic relationship between a supervisor and an employee, where the supervisor has authority or influence over, or responsibility for, that employee.~~

~~If such a relationship is pursued, it is the responsibility of the supervisor to immediately inform his/her supervisor and Human Resources of the relationship. In this case, the College may transfer one or both employees or take such other action as may be necessary to eliminate any disruption.~~

~~It is prohibited for individuals engaged in a pre-existing sexual or romantic relationship to be hired into a professional relationship where one supervises or has direct influence over the work of the other.~~

~~Faculty are prohibited from engaging in any sexual or romantic relationship with a student where the faculty member has, or could have in the future, authority or influence over, or responsibility for, that student.~~

~~If a faculty member has a pre-existing consensual sexual or romantic relationship with a student, the faculty member shall ensure that the student is not enrolled in any course taught by the instructor. If this is not possible, it is the faculty member's responsibility to immediately report the situation to his/her supervisor for direction.~~

#### **E. Confidentiality**

~~The College is committed to protecting the privacy of all parties involved in a report made under this policy, to the extent permitted by applicable law and subject to the College's reporting obligations as described below. The College will treat all reports with sensitivity, and reports, investigations and findings of hearing proceedings will only be shared in compliance with this policy. Any interim or supportive measures will be kept as confidential as possible and shared only on a need-to-know basis.~~

~~Information pertaining to reports made under this policy will be kept in a secure manner.~~

### **III. REPORTING VIOLATIONS OF THIS POLICY**

~~Students, employees and third parties may file reports of violations of this policy with the Title IX Coordinator in person, by mail, telephone, or by email. They may also report violations of this policy to any other College employee. The contact information for the Title IX Coordinator is:~~

~~E-mail: [TitleIX@ec3pa.org](mailto:TitleIX@ec3pa.org)~~

~~Phone: 814-413-7000~~

~~Coordinator: Guy Goodman, Vice President of Academic and Student Affairs~~

#### **A. Reporting to Other College Employees**

~~The College understands that not every individual will be comfortable making a report to the Title IX Coordinator identified above, and some individuals will prefer to report allegations of potential violations of this policy to an employee of the College that he, she or they trust. For example, a student may choose to make a report to their instructor or counselor, or an employee may choose to make a report to their supervisor.~~

~~All College employees share in the responsibility of ensuring compliance with this policy and are mandated to report any and all allegations of sexual harassment and sexual misconduct to the Title IX Coordinator. Employees must report to the Title IX Coordinator all relevant details about the alleged violation that the individual has shared. The Title IX Coordinator will then address the report in accordance with this policy.~~

#### **B. Contents of a Report**

~~An individual will be asked to provide as much detail as possible in making a report, including the name and contact information of the Complainant, the Respondent, and any witnesses (if known); the date, time, and location of the incident; a description of the prohibited conduct; supporting documentation or other evidence (pictures, texts, emails, etc.), if any; and any other information which would assist the College in appropriately investigating and responding to the report.~~

#### **C. Anonymous Reporting**

~~In order to maximize the College's ability to effectively investigate and respond to reports under this policy, the College encourages individuals to provide identifying information when filing a report under this policy. However, the College will accept anonymous reports. The College will make all reasonable efforts to~~



~~investigate and respond to reports filed anonymously, however, the College may be limited in its ability to fully investigate and resolve the report depending upon the level of information available in the report.~~

**~~D.—Who May Report~~**

~~Note that in addition to the filing of a report by a Complainant, anyone can file a report of an alleged violation of this policy, including a witness or a third party. While there is no required time frame for submitting reports under this policy, the College strongly encourages reporters to submit a report as soon as possible to maximize the College's opportunity to effectively investigate and respond to the report. Individuals who make a report pursuant to this policy will receive a copy of this policy or be provided with the link to this policy on the College's website.~~

**~~E.—Criminal Report~~**

~~A Complainant who alleges to have been the victim of Sexual Assault, Relationship Violence, or Stalking also has the right to pursue criminal action against the Respondent, including seeking a protective order. Whether or not the Complainant chooses to seek criminal action is within the discretion of the Complainant. If requested by the Complainant, the College will provide reasonable assistance or other support in notifying law enforcement of the report. The College will cooperate with a criminal investigation to the extent permitted by law. The College reserves the right to notify law enforcement of reports made pursuant to this policy if the College determines that such notification is necessary to protect the health and safety of the College community or the public.~~

~~An individual may choose to pursue criminal action at any time. The College encourages individuals contemplating pursuing criminal action to consult with law enforcement as soon as possible after the alleged incident in order to ensure that any physical and other forms of evidence are preserved in as timely a fashion as possible.~~

~~Reports made pursuant to this policy are completely separate from a criminal investigation. Even if a criminal investigation is ongoing, the College will still conduct its own investigation in accordance with this policy. While the criminal investigation is pending, law enforcement may require the College to delay or otherwise temporarily limit its own investigation, which may delay the College's resolution of the report. The College will comply with any such request by law enforcement to the extent permitted by law and continue with its investigation as soon as reasonably practicable.~~

**~~F.—False Report~~**

~~A report made under this policy which is later found to be knowingly or intentionally false or made maliciously without regard for truth may be subject to disciplinary action. Reports made in good faith, even if the allegations are not substantiated, will not be subject to discipline.~~

**~~G.—College's Reporting~~**

~~Obligations Reports made pursuant to this policy which involve Dating Violence, Domestic Violence, Sexual Assault, and Stalking will be included in the College's annual report of crime statistics in the College's Annual Security Report, which is made available to the public, and to the U.S. Department of Education, as required by law. Reports of crime statistics do not include any personally identifiable information.~~

~~Finally, the College reserves the right to notify law enforcement of reports made pursuant to this policy if the College determines that such notification is necessary to protect the health and safety of the College community or the public.~~

**~~H.—When the Report Involves a Victim Under 18 Years Old~~**

~~In the event that a report made under this policy involves reasonably suspected or actual child abuse or neglect, all College employees who are mandated reporters must report child abuse or neglect that they know about, see, or have reasonable cause to suspect first to the Pennsylvania Department of Public Welfare Child Line at (800) 932-0313, and then to College Security. If the employee is unable or prefers not to contact College Security, the employee may contact the Vice President for Business, Finance and Administration.~~

**~~IV.—INVESTIGATION AND HEARING PROCEDURES~~**

~~The College will ensure that it takes steps to investigate and remedy reports of violations of this policy in a prompt and equitable manner. These steps include prompt contact with the Complainant by the Title IX Coordinator to explain the process for filing a formal complaint. If a formal complaint is filed, it will be promptly handled in accordance with the following procedures. In all cases, the Title IX Coordinator will maintain~~



~~oversight over the investigation and disciplinary process. The parties will be promptly notified, in writing of which office is responsible for conducting the investigation and disciplinary process, as designated by the Title IX Coordinator, and will be provided with more detailed information regarding the applicable investigation and disciplinary procedures. If a complainant chooses not to file a formal complaint, the Title IX Coordinator will still advise the complainant of any available supportive measures.~~

**A. Investigation Procedures:**

- ~~1. Title IX Coordinator will promptly contact and explain the College's supportive measures to the Complainant.~~
- ~~2. Title IX Coordinator will explain the process for filing a formal complaint.~~
- ~~3. A review of the allegations by the Title IX Coordinator to determine whether they constitute prohibited conduct under this policy.~~
- ~~4. Should the review reveal the following, the report of sexual harassment will not be investigated pursuant to this policy\*\*:~~
  - ~~a. The allegations, if proven, do not constitute a violation of the conduct prohibited by the policy.~~
  - ~~b. The conduct did not occur on College property or at a location over which the College had substantial control of both the Respondent and the context in which the conduct occurred.~~
  - ~~c. The Complainant is not participating or attempting to participate in the College's educational programming or activities.~~
  - ~~d. The conduct occurred outside of the United States. \*\*Allegations not investigated under this policy may still be investigated if they violate other College policies.~~
- ~~5. Should the review reveal the following, the report of sexual harassment may not be investigated pursuant to this policy:~~
  - ~~a. The Complainant withdraws the complaint in writing.~~
  - ~~b. The Respondent is no longer enrolled or employed at the College.~~
  - ~~c. Specific circumstances exist that prevent the College from investigating the complaint.~~
- ~~6. The College will take appropriate supportive measures as necessary.~~
- ~~7. Informal resolution procedures may be available to resolve reports of potential violations of this policy; however,;~~
  - ~~a. It is only available when a formal complaint is filed;~~
  - ~~b. The College cannot require the parties to participate in informal resolution;~~
  - ~~c. Both parties must agree in writing to participate;~~
  - ~~d. Either party may withdraw from the informal resolution process at any time prior to resolution; and~~
  - ~~e. Informal resolution will never be appropriate for reports of violations of this policy when the Respondent is an employee of the College and the complainant is a student.~~
- ~~8. Written notice of the process and/or informal resolution will be provided to the parties that a complaint pursuant to this policy has been filed. The notice will be sent simultaneously to both the Complainant and Respondent. The notice will include an explanation of the investigation process and information regarding the parties' right to an Advisor of their choice.\*\* Complainants and Respondents may elect to obtain an Advisor or have one provided to them by the College. The parties may or may not elect to have an attorney serve as the Advisor. \*\*A list of Advisors provided by the College will be available from, the Title IX Coordinator. Such list will be updated periodically by the College.~~
- ~~9. Interviews with the Complainant, the Respondent and any witnesses.~~
- ~~10. Review of student and/or personnel files.~~
- ~~11. The collection and examination of other relevant documents. The burden of proof and responsibility for gathering evidence for investigations rests with the College and not the parties. Medical records for a party cannot be collected, accessed, considered, disclosed or otherwise used, unless the College obtains the voluntary, written consent of the party.~~
- ~~12. The College will conduct a prompt, thorough, equitable and impartial investigation and issue a comprehensive investigation report which fairly summarizes relevant evidence. Both parties will have an equal opportunity to review the gathered evidence at least 10 days before the investigation report is finalized, and an equal opportunity to submit written responses to the evidence. Both parties will also have an equal opportunity to review the finalized investigation report at least 10 days prior to the hearing and submit additional written responses to the investigation report.~~

**B. Hearing Procedures:**



- ~~1. The College will conduct a live hearing (either in-person or via video conference) at which both parties will have an Advisor of their choice present the relevant evidence and conduct cross-examination of the parties and witnesses.~~
- ~~2. The College will seek to resolve all reports of violations of this policy within 90 calendar days, whenever practicable. The parties will be advised in writing when resolution is expected to take longer.~~
- ~~3. Both parties will receive simultaneous written notice of the outcome of the hearing and any disciplinary sanctions in the form of a written decision from the Hearing Officer conducting the hearing.~~
- ~~4. The written decision will include the following information:
  - ~~a. The standard of evidence (preponderance of the evidence) used to review and analyze the evidence presented;~~
  - ~~b. The facts that potentially constitute sexual harassment;~~
  - ~~c. The procedural history of the process, to include all dates for notices to the parties, interviews and site visits, and methods for gathering evidence;~~
  - ~~d. The findings of facts supporting the determination;~~
  - ~~e. A separate written analysis of each allegation and the determination;~~
  - ~~f. Disciplinary sanctions, if appropriate;~~
  - ~~g. Whether the remedies to restore/preserve the Complainant's equal access to educational programming and/or activities will be provided to the Complainant by the College; and~~
  - ~~h. Notice that both parties have the right to appeal the decision.~~~~
- ~~5. For hearings involving a Student as the Respondent the Hearing Officers shall be appointed in accordance with the Student Code of Conduct.~~
- ~~6. For hearings involving a Faculty or Staff member as the Respondent the Hearing Officer shall be appointed by the College's President.~~

**C. Appeals:**

- ~~1. Both parties have an equal right to a prompt appeal of the determination of the hearing or from a dismissal of a formal complaint of sexual harassment under this policy or any of the allegations therein.~~
- ~~2. Grounds for appeal include the following:
  - ~~a. A procedural irregularity that affected the outcome of the investigation/ hearing.~~
  - ~~b. The discovery of new evidence that was not reasonably available at the time of determination by the Hearing Officer or dismissal by the Title IX Coordinator.~~
  - ~~c. A conflict of interest or bias with the Title IX Coordinator, Investigator or Hearing Officer, either generally or specifically that affected the outcome of the investigation or hearing.~~~~
- ~~3. Appeals involving a Student Respondent must be filed in accordance with the Student Code of Conduct in writing with the Dean of Student Affairs and Enrollment within five (5) school weekdays of the notice of the outcome of the investigation.~~
- ~~4. Appeals involving an Employee Respondent must be filed with the College President in writing within five (5) working days of the notice of the outcome of the investigation.~~
- ~~5. Both parties will have a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome.~~
- ~~6. The appeal officer will issue a written decision describing the result of the appeal and the rationale for the result.~~
- ~~7. Both parties will receive simultaneous written notice regarding the outcome of any appeal.~~

**V. SANCTIONS FOR VIOLATING THIS POLICY AND SAFE HARBOR**

**A. Sanctions**

~~Violations of this policy may result in disciplinary action, up to and including termination of an employee or expulsion of a student, subject to the relevant policies and procedures governing the disciplinary process applicable to the alleged Respondent.~~

**B. Safe Harbor**

~~Notwithstanding the foregoing, a student witness or student victim of an incident of a violation of this policy who reports such incident in good faith will not be sanctioned by the College for admitting in the report to a violation of the College's Student Code of Conduct related to the use of drugs or alcohol.~~

**VI. SUPPORTIVE MEASURES**

~~Supportive measures are those non-disciplinary, non-punitive services, accommodations, or other assistance that the College puts in place for individuals after receiving notice of alleged violations of this policy, pending the final outcome of any investigation/hearing process, or when no formal complaint is filed. Supportive measures may be imposed for various reasons, including ensuring the safety of the parties or the College~~



~~community at large; eliminating a hostile work environment; or protecting the integrity of the investigation and/or disciplinary process.~~

~~Supportive measures are meant to ensure that both parties involved in a report under this policy continue to have adequate access to educational and/or work opportunities at the College, without unreasonably burdening the other party. A party may request these measures from the office responsible for investigating the report, or the College may offer them on its own initiative when it deems them appropriate. The College will determine which supportive measures are appropriate on a case-by-case basis. Potential supportive measures include a “no contact” directive pending the outcome of the investigation, provision of a security escort, modifications of class schedules or deadlines, emergency removal \*\* from the College’s education program and activities or other supportive measures the College deems reasonable and appropriate. The College may make certain supportive measures permanent measures to be applied even after the investigation and/or disciplinary process is complete, when appropriate under the circumstances.~~

~~\*\*Should the College determine that an emergency removal of the Respondent from the College’s education program or activities is appropriate (i.e., the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment), the College will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.~~

~~Individuals who have been victims of violations of this policy may also seek other supportive measures both on and off campus. Upon becoming aware of a report of a potential violation of this policy, the Title IX Coordinator must promptly contact the potential Complainant to discuss the availability of supportive measures, services, consider the Complainant’s wishes with respect to supportive measures, services, and inform the Complainant of the availability of supportive measures, services, with or without the filing of a formal complaint.~~

~~Supportive measures are available to both the potential Complainant and potential Respondent. Individuals seeking on-campus support services should be aware that employees must report allegations of violations of this policy to the Title IX Coordinator. Therefore, they cannot guarantee confidentiality. The College will create a list of On-Campus services and Off-Campus Services.~~

**VII. — EMERGENCY ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT, RELATIONSHIP VIOLENCE OR STALKING**

~~An individual who is in imminent danger of Sexual Assault, Relationship Violence, or Stalking should contact law enforcement or, if on campus, College Security. An individual can also report emergencies occurring on or off campus by dialing 911 to reach the local police department. In the event of an emergency that requires medical attention, individuals should go to the nearest hospital.~~

**VIII. — ENFORCEMENT AND TRAINING**

~~The Title IX Coordinator is responsible for ensuring the enforcement of this policy, and for ensuring training regarding this policy, with the ultimate goal of raising awareness and preventing Sexual Harassment, Relationship Violence, and Stalking within the College~~

**Policy II.A.1: Policy Against Discrimination and Harassment**

**I. Purpose**

The purpose of this Title IX Policy and Title IX Grievance Procedures (“Policy”) is to establish the Erie County Community College’s policy prohibiting Title IX sexual harassment, discrimination, and/or retaliation, in accordance with Title IX of the Education Amendments of 1972 (Title IX). This Policy references other College policies which may be implicated regarding conduct that falls outside the scope of this Policy, including other discriminatory conduct based on sex.

**II. Non-Discrimination Statement**

Erie County Community College does not discriminate and prohibits discrimination against any individual based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, marital status, veteran status, age or other classification protected by applicable law in matters of admissions, employment, services or in the educational programs, or activities that it operates. Harassment that is based on any of these characteristics, whether in verbal, physical or visual form, constitutes a



form of prohibited discrimination. This includes harassing conduct which affects tangible job benefits, unreasonably interferes with an individual's academic or work performance or which creates what a reasonable person would perceive to be an intimidating, hostile or offensive work or educational environment.

### **III. Title IX Policy Statement**

It is the policy of the Erie County Community College ("College") to maintain an environment for learning and working that is free from discrimination and harassment as defined in the College's Policy II.A.1, Policy Against Discrimination and Harassment, and as defined herein with more specificity with respect to Title IX sex discrimination and sexual harassment.

Students and employees are specifically notified that the College does not discriminate on the basis of sex, and prohibits sex discrimination, including sexual harassment, in any education program or activity that it operates, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and its regulations, 34 C.F.R. Part 106, including in admission and employment. The College will take all necessary steps to end conduct prohibited by this Policy, to prevent its recurrence, and to address its effects.

Inquiries about Title IX may be referred to the College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights (OCR), or both.

### **IV. Title IX Compliance – Notice Requirements and Title IX Coordinator**

The foregoing Title IX Policy Statement shall be included in each student and staff handbook. In addition, Policy II.A.1, along with this Title IX Policy and Title IX Grievance Procedures, shall be posted to the College's website.

Notice stating that the College does not discriminate in any manner, including Title IX sexual harassment, in any College education program or activity, shall be issued to all students, parents/guardians, employment applicants, employees, and unions and/or professional organizations holding collective bargaining or professional agreements with the College.

All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Title IX Coordinator.

The Title IX Coordinator is the individual designated by the College to coordinate its efforts to comply with Title IX responsibilities.

Any person may report Title IX sexual harassment, discrimination, and/or retaliation (irrespective of whether the individual reporting is the person alleged to be the victim of such conduct), in person, by mail, by telephone, or by email, using the contact information listed below. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

The College's Title IX Coordinator is:

Guy Goodman  
2403 W. 8<sup>th</sup> Street  
Erie, PA 16505  
Telephone: (814) 413-7003  
Email: [TitleIX@ec3pa.org](mailto:TitleIX@ec3pa.org)

The contact information for the United States Department of Education, Office for Civil Rights is:

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



Telephone: 800-421-3481; FAX: 202-453-6012; TDD 800-877-8339  
Email: OCR@ed.gov

The Title IX Coordinator's responsibilities shall include ensuring adequate nondiscrimination procedures are in place, recommending new procedures or modifications to procedures and monitoring the implementation of the College's nondiscrimination procedures in the following areas, as appropriate:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provide training for students and staff to prevent, identify and alleviate conduct which may constitute discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to law enforcement, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. College Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

#### **V. Definitions**

**Advisor** - An individual who has agreed to serve as an informal provider of support and advice for a Complainant or Respondent. Both parties may select an individual of their choice to serve as their Advisor. Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be, an attorney. The College will appoint an Advisor for parties who have not selected their own.

The role of the Advisor is to assist and guide the party during all related College Title IX proceedings. The Advisor, upon a party's request may (1) accompany the party in any related meeting/proceeding, (2) advise the party in the preparation and presentation of sharing of information, (3) conduct cross-examination in Title IX hearings on behalf of the party they represent, and (4) advise the party in the preparation of any appeals. The Advisor shall not perform any function in the process other than advising the party and may not make a presentation or represent the party, other than at the Title IX hearing.

If, at any point, an Advisor becomes disruptive or fails to follow the rules for participation as set forth in this Policy, or other rules of decorum provided by the College, the College reserves the absolute and non-appealable right to remove the Advisor from the proceeding, and, if appropriate, any future meetings/proceedings. If a party's Advisor is removed, that party may choose another Advisor or otherwise will have one appointed for them by the College.

**Complainant** - An individual who is alleged to be the victim of reported conduct that could constitute Title IX sexual harassment.

**Consent** – A knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be informed, freely given and mutual. If intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation due to alcohol or drug consumption (voluntary or



involuntary), or being asleep or unconscious, where the respondent knew or reasonably should have known that the person was incapacitated. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence, in and of itself, cannot be interpreted as consent. Further, intoxication, even to the point of incapacitation, is not an excuse for failure to obtain consent or understand whether consent was given.

Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Consent at one time and to one sexual act does not imply consent at any other time to that or any other sexual act at a later date and regardless of previous relations. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

**Days** – Unless otherwise indicated in the Policy, a reference to “days” means business days, as opposed to calendar days.

**Formal Complaint** – A document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the College investigate the allegation under the grievance process for formal complaints. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College. The authority for the Title IX Coordinator to sign a Formal Complaint does not make the Title IX Coordinator a party in the grievance process for Formal Complaints. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint.

**Retaliation** – Actions including intimidation, threats, coercion, and discrimination against any individual for any of the following:

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with College policy when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Respondent** -- An individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

**Supportive Measures** – Non-disciplinary, nonpunitive, and individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to :



1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

**Title IX Sexual Harassment** – conduct on the basis of sex that satisfies one or more of the following:

1. A College employee conditioning the provision of an aid, benefit, or College service on an individual's participation in unwelcome sexual conduct, commonly referred to as **quid pro quo sexual harassment**.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a College education program or activity, commonly referred to as **hostile environment sexual harassment**.
3. Sexual assault, dating violence, domestic violence or stalking.
  1. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  2. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  3. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes but is not necessarily limited to certain sexual acts directed against another person without the consent of that person; fondling; incest; statutory rape.
  4. **Stalking**, under Title IX, means stalking on the basis of sex, for example when the stalker desires to



date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

- i. Fear for their safety or the safety of others.
- ii. Suffer substantial emotional distress.

Such conduct must have taken place during a College education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

## **VI. Reports of Title IX Sexual Harassment**

### **A. Notice of Allegations**

The College has actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment when such conduct is reported to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. The President, Executive Vice President and Director of Human Resources of the College are the only individuals with authority to institute corrective measures on behalf of the College under this Policy. Upon receipt of this notice, the College is required to respond to the alleged Title IX sexual harassment promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

### **B. Submission of Report of Alleged Title IX Sexual Harassment**

The College encourages students, employees, and other third parties who believe that they or others have been subject to Title IX sexual harassment, other discrimination, or retaliation to promptly report such incidents to the Title IX Coordinator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

A College employee who suspects or is notified that a student, employee, or other third party may have been subject to conduct that constitutes Title IX sexual harassment shall immediately report the incident to the Title IX Coordinator. If the Title IX Coordinator is the subject of a complaint, the student, employee, or third party may report the incident directly to the President, Executive Vice President of the College or Director of Human Resources.

The complainant or the individual making the report (who need not be the complainant) may use the Report Form attached to this Policy for purposes of reporting an incident or incidents in writing; however, oral reports of an incident or incidents shall be accepted.

### **C. Initial Response to a Report**

All reports of alleged Title IX sexual harassment shall be promptly directed to the Title IX Coordinator. Upon receipt of a report of alleged Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant and, if necessary, the reporter (if not the complainant), regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures for the complainant. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall use the designated Report Form to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations, if presumed to be true, meet the definition for Title IX sexual harassment.

The Title IX Coordinator will initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.



2. Occurred in a College program or activity under the control of the College and against a person in the United States.
3. Involves other College policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under Section 504 of the Rehabilitation Act.

If, as a result of this initial assessment, the Title IX Coordinator determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under other College policies or the Code of Student Conduct, then the Title IX Coordinator will redirect the report to the appropriate administrator to address the allegations.

If, as a result of this initial assessment, the Title IX Coordinator determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator will promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

#### ***Supportive Measures, Equitable Treatment of Parties and Confidentiality***

The College will treat parties equitably by offering supportive measures to the complainant and respondent where appropriate. Supportive measures shall be offered to the complainant upon the initial filing of the report. The Title IX Coordinator will also determine what supportive measures may be offered to the respondent.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and to the respondent.
2. Following the Title IX grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent, subject to the “emergency removal” process described below.

The Title IX Coordinator and the College shall maintain as confidential any supportive measures provided to the complainant or respondent, except as may be permitted by law or regulations and to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The College must also keep confidential the identities of the complainant, respondent, individuals making a report of sexual harassment, or witnesses except for when disclosure is permitted by FERPA, is otherwise required by law, or to carry out a Title IX sexual harassment investigation, hearing, or other legal proceeding. The Title IX Coordinator should record and retain records regarding requests and provision of supportive measures in accordance with the recordkeeping requirements articulated in this Policy.

#### ***Emergency Removal / Administrative Leave***

The College may remove a student respondent from the College’s education program or activity on an emergency basis, but only after undertaking an individualized safety and risk analysis, and only if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual arising from the allegations (including the Respondent themselves). This assessment may take place at any time following the receipt of a report. If the College reasonably believes that such a threat is posed, an interim suspension, or other interim action, may be assigned. In the case of such removal the College will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

For matters involving employee respondents, the Title IX Coordinator, in consultation with the employee’s supervisor and other relevant College officials, will determine whether administrative leave (with or without pay) is appropriate, without needing to meet the emergency removal standards.



These provisions may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

**VII. Title IX Grievance Process – Procedures for Formal Complaints**

**Step 1 - Filing a Formal Complaint**

**A. *General Obligations***

A formal complaint alleges Title IX sexual harassment, discrimination, and/or retaliation against a respondent and requests that the College investigate the allegation.

Upon receipt of a formal complaint, the Title IX Coordinator shall make an initial assessment as to whether the formal complaint, on its face, alleges an act of Title IX sexual harassment, discrimination, and/or retaliation. If not, the Title IX Coordinator may dismiss the matter as described below.

The Title IX Coordinator shall initiate the grievance procedures for formal complaints when a complainant files a formal complaint and the facts, if presumed to be true, could constitute Title IX sexual harassment, discrimination, and/or retaliation.

The Title IX Coordinator is also authorized to initiate a formal complaint process even if a complainant declines to proceed and requests that a formal complaint not to be initiated. In making this determination, the Title IX Coordinator should consider, among other issues, the reasons the complainant is requesting a formal complaint not be filed and also analyze whether supportive measures may be a sufficient response to the alleged behavior under the circumstances, whether the filing of a formal complaint is necessary to perform a further investigation into the alleged facts to determine if there is an ongoing health or safety threat to others or whether failure to proceed will preclude the school College from pursuing discipline against the respondent for inappropriate behavior the school College believes should be addressed if found to be true. The Title IX Coordinator must analyze all of these factors and conclude that it is not clearly unreasonable under the known circumstances for the Title IX Coordinator not to proceed with the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with legal counsel and other College officials in making this decision.

**B. *Notice Requirements***

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, providing the following information:

1. Notice of the College's grievance process for formal complaints and any informal resolution process that may be available. A copy of this Title IX Policy and Title IX Grievance Procedures should be referenced and provided via link or attachment.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.



4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that College policy prohibits knowingly making false statements or knowingly submitting false information to College officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the College decides to investigate during the course of the investigation.

**C. *Dismissals of a Formal Complaint***

The College shall investigate the allegations in a formal complaint, except as follows:

Discretionary Dismissals. Formal complaints may be dismissed if, at any time during the investigation or hearing:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the College in a College program or activity.
3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Mandatory Dismissals. The College shall dismiss the formal complaint if the conduct alleged in the formal complaint:

1. would not constitute sexual harassment as defined by this Policy, even if provided;
2. did not occur in the College's program or activity; or
3. did not occur against a person in the United States.

If the matter merits review and possible action under other College policies, then the Title IX Coordinator will redirect the report to the appropriate administrator to address the allegations.

Upon a dismissal required or permitted under this section, the College will promptly send written notification of the dismissal and reason(s) therefore to the parties simultaneously. The written notification shall state whether the allegations will continue to be addressed pursuant to other College policies.

A dismissal may be appealed via the appeal procedures set forth in these Grievance Procedures.

**D. *Consolidation of Title IX Formal Complaints***

The College may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

**Step 2 - Voluntary Informal Resolution Process**

**A. *General Obligations***

Voluntary informal resolution may be appropriate when the College determines that it is consistent with the College's obligations under the law, institutional policies, and institutional values and is reasonably designed to end the misconduct, prevent the misconduct from happening again, and address or remedy its effects.

At any time after a Formal Complaint has been submitted, but before a final determination regarding responsibility has been made, the parties may enter a voluntary, informal resolution process, as permitted by the College. A formal complaint must be filed before an informal resolution can be considered. If the parties agree to participate in an



informal resolution process, it is the College's responsibility to ensure that the matter is resolved within a reasonably prompt timeframe. While the College cannot compel or pressure a party to participate in an informal resolution process, the College may offer informal resolution as an alternative when discussing the Title IX grievance procedures. Informal resolution is not permitted in matters involving allegations of sexual harassment by an employee respondent against a student complainant.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgement of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or supportive measures.

### ***B. Informal Resolution Procedures***

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
  1. The allegations.
  2. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
  3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall typically be conducted within ten (10) days of the parties' signed agreement for the informal resolution process, although the parties may mutually agree to a reasonable extension if necessary to continue the resolution process.

If the matter is resolved to the satisfaction of the parties, the College employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator.

Any informal resolution agreement will be in writing and represent the final resolution of the case. Failure to adhere to the terms of the resolution agreement may constitute a separate violation of College policy and/or result in the reopening of the existing Title IX matter.

If the Informal Resolution Process results in the final resolution of the formal complaint, the following steps are not applicable.

### **Step 3 - Investigation**

#### ***A. General Obligations – Principles followed during the Grievance Process***

Under this grievance process, the College and the assigned Title IX investigator shall:

1. Bear the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. During the process of gathering evidence, unless the College obtains the voluntary, written consent of the party, or the party's parent/guardian or other legal representative when legally required, the College cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and



which are made and maintained in connection with providing treatment to the party.

2. Objectively evaluate all available evidence gathered through the investigation, including inculpatory and exculpatory evidence (information that demonstrates no wrongdoing).
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory (incriminating) and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate in the proceedings. For the purposes of this Policy, the role of the advisor is limited to the following: the advisor may attend any interview or meeting connected with the grievance process, but may not actively participate in interviews nor provide testimony or argument on behalf of the party. The advisor may attend the live hearing and may conduct cross-examination of the other party and any witness at the hearing; otherwise the advisor may not actively participate in the hearing.
6. Provide, to any party whose participation is invited or expected, written notice of the date, time, location, participants and purpose of all investigative interviews, hearings or other meetings held during the investigation process, with sufficient time for the party to prepare to participate. The College cannot compel a party or witness to answer any questions during the interview or submit documents or otherwise make any statements; however, the parties are encouraged to provide relevant information to the investigator. A party or witness's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the College does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.
8. Use the following standard of evidence to determine responsibility for allegations in a formal complaint of sexual harassment: the preponderance of evidence standard.
9. If at any point the investigation expands to include additional allegations that were not included in the initial notice of the allegations provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator and the Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### ***B. Investigation Procedures***

If not serving as the Investigator, the Title IX Coordinator will appoint an Investigator, who may be an employee or official of the College or may be an external investigator with appropriate experience or expertise and training.

When investigating a formal complaint, the Investigator will seek to complete the investigation within a prompt and reasonable amount of time, typically not to exceed 60 days. This timeline is not binding and creates no rights for the parties. The College can extend deadlines at its discretion. If temporary delays occur, the Complainant and Respondent will be notified in writing regarding the reason(s) for the delay.

When investigating a formal complaint, the investigator shall:

1. Engage in fact-gathering of all relevant facts.
2. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and



inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

3. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
4. Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
5. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, the Investigator or Title IX Coordinator shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Upon finalization of the investigative report, the Title IX Coordinator shall provide it to the Decision-maker(s), subject to the dismissal procedures outlined below.

Within five (5) days of receipt of the final Investigative report, the Title IX Coordinator will make a determination that the College will:

1. Convene a hearing before an impartial fact-finding decision maker(s) who will hear testimony from the parties and relevant witnesses, review the relevant evidence, and make a determination as to responsibility;  
OR
2. The matter will be dismissed because the investigation revealed facts that either:
  - a. require a dismissal under Title IX (e.g., the conduct alleged would not constitute Title IX sexual harassment, even if true, did not occur in the College's education program or activity, or did not occur in the United States); or,
  - b. allow for a dismissal (e.g., if the complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint, the respondent is no longer enrolled or employed by the College, or specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein).

If a determination is made to dismiss the formal complaint, the parties may exercise their right to appeal using one or more of the bases for appeal set forth below. In the absence of a dismissal, the matter will be forwarded to the appropriate College decision maker(s) for disposition.

#### **Step 4 - Live Hearing Process**

##### ***A. General Obligations – Requirement of Live Hearing for Fact-Finding and Determining Responsibility.***

1. Within five (5) days of receipt of the final Investigative report, the Title IX Coordinator will select the Title IX Decision-Maker(s) (who may not be the Title IX Coordinator nor the Investigator) and will provide them with a copy of the final investigative report.
2. Promptly after selection of the Decision-Maker(s), the Title IX Coordinator will provide concurrent written notice to the parties of the date, time and location of the hearing and the identity of the Decision-Maker(s). The live hearing shall be closed and shall be scheduled to take place within fifteen (15) days of completion of the investigative report, unless the Title IX Coordinator determines extenuating circumstances exist justifying an extension of that timeframe.
3. New evidence (evidence not gathered and considered during the investigative phase) may not be introduced during the live hearing. Likewise, new witnesses (who have not been interviewed by the investigator(s)) are not permitted at the hearing.



4. The only individuals permitted to participate in the hearing are as follows: the complainant, the respondent, the Decision-Maker(s), the advisor for each party, any witnesses (only while being questioned), the Title IX Coordinator and any individual providing authorized accommodations or assistive services.
5. The parties have the right to participate or decline to participate in the hearing.
6. If a party does not have an advisor present at the live hearing, the College shall provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney.
  - a. The advisor may conduct cross examination on behalf of that party.
  - b. College is obligated to ensure each party has an advisor, either of the party's or College's choice, regardless of whether or not the party is present at the hearing. To ensure timely proceedings, a party shall alert the Title IX Coordinator as soon as practicable if the party will need an advisor.
  - c. If a party's selected advisor is unavailable for a hearing date, the live hearing date may be postponed for good cause.
7. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses and other participants may appear at the live hearing virtually, provided there is technology enabling the participants to simultaneously see and hear each other.
  - a. At the request of either party, the College shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision-Maker(s) and parties to simultaneously see and hearing the party or witness answering questions.
  - b. The College shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Any other recording is prohibited.
  - c. Any necessary accommodations for any participant at the live hearing

**B. Decorum / Etiquette Expectations**

1. All parties are expected to be civil and adhere to basic standards of decorum by answering questions posed by the Decision-Maker(s) and relevant questions posed by a party's advisor in a respectful, non-abusive manner.
2. Parties may not interrupt any testimony or cross-examinations being conducted.
3. The complainant, respondent, and their advisors shall be allowed to attend the entire portion of the live hearing.
4. Witnesses are only allowed to attend during the time the credibility of their evidence is being reviewed; however, all witnesses will need to be available during the entire hearing, unless dismissed by the Decision-Maker(s).

**C. Questioning at the Live Hearing**

1. At the live hearing, the Decision-Maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. The Decision-Maker(s) have the right to question a party or witness.
2. Only relevant cross examination and other questions may be asked of a party or witness.



3. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
4. Before the complainant, respondent, or witness answers a cross-examination or other question, the Decision-Maker(s) must first determine whether the question is relevant. The Decision-Maker(s) may consult the College's legal counsel on questions of relevancy and admissibility.
  - a. If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-Maker may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors.
  - b. The Decision-Maker(s) must explain to the party or individual proposing the questions any decision to exclude a question as not relevant.
  - c. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

***D. Use of Witness Statements***

1. If a party or witness does not submit to cross examination at the live hearing or refuses to respond to any question deemed relevant and not impermissible, the Decision-Maker(s) may choose to place less or no weight upon statements by such a party or witness when making a determination regarding responsibility.
2. The Decision-Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
3. The Decision-Maker(s) may consider statements by parties and witnesses even if those parties or witnesses do not participate in cross-examination at the live hearing and may consider documents containing statements even if the party or witness who made the statement is not cross-examined at the live hearing.

**Step 5 - Written Determination of Decision-Maker(s) and College Action**

Following the conclusion of the hearing, the Decision-Maker(s) shall:

1. Issue a written determination regarding responsibility within ten (10) days of the live hearing. To reach this determination, the Decision-Maker(s) must apply the standard of evidence required by this Policy (i.e., the preponderance of the evidence standard) and conclude whether the evidence establishes it is more likely than not that the respondent committed a violation of this Policy.
2. The written determination must include:
  - a. Identification of the allegations potentially constituting Title IX sexual harassment as defined by this Policy.
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination post live hearing, including any notifications to the parties, interviews with parties and witnesses, site visits, methods use to gather other evidence, and hearings held.
  - c. Findings of fact supporting the determination.
  - d. Conclusions regarding the application of the College's Policy to the facts.



- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant.
  - f. The procedures and permissible bases for the complainant and respondent to appeal, as set forth in this policy.
3. The College shall provide the written determination to the parties simultaneously. The Title IX Coordinator shall be provided with a copy of the written determination. The written determination will be mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account.
  4. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **Step 6 - Appeal of Dismissal or Written Determination**

Any party may file a Request for Appeal by submitting such a request in writing to the Title IX Coordinator within five (5) days of receiving the written determination regarding responsibility and/or issuance of notice of dismissal of the formal complaint. Once the five (5) days have passed, the matter will be deemed closed.

Appeals from the College's dismissal of a formal complaint or written determination after a live hearing are limited to the following grounds

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. An allegation that the Title IX Coordinator, Investigators, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

The appeal must include the ground(s) for the appeal and describe the supporting evidence. The Title IX Coordinator will appoint an Appeal Decision-Maker, who shall not be the same person as the Decision-Maker(s) that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator. The Appeal Decision-Maker shall comply with the standards set forth in this Policy.

As to all appeals, the Title IX Coordinator shall:

1. Implement appeal procedures equally for both parties.
2. Immediately provide notice of the appeal to the non-appealing party, who has five (5) days to submit to the Title IX Coordinator a written response to the appeal which addresses solely the ground(s) alleged for the appeal.
3. Upon receipt of the non-appealing party's response to the appeal, the Title IX Coordinator will submit the appeal and the non-appealing party's response to the Appeal Decision-Maker.

The Appeal Decision-Maker's review will be based only on the written record, which shall consist of the final investigative report, notice of dismissal and/or written determination of responsibility, written appeal and written appeal response (if any), as well as the recording of the hearing, and will not include meetings or discussions with the parties or Title IX personnel directly involved in the investigation. Therefore, the appealing party should include any supporting documents with their written appeal, including any alleged new evidence that was not available at the time of the hearing that may have affected the outcome. The Appeal Decision-Maker may consult with the Title IX Coordinator regarding matters of procedure, as appropriate.



For an appeal related to the dismissal of a formal complaint based on the limited grounds above, the Appeal Decision-Maker will decide whether to approve or reject the decision of the Title IX Coordinator. If rejected, the Appeal Decision-Maker will return the formal complaint to the Title IX Coordinator, and the complaint process shall proceed consistent with the grievance procedures set forth above. If approved, the matter is closed.

For the appeal of a finding of the Title IX Decision-Maker based on the limited grounds above, the Appeal Decision-Maker will decide whether to approve, reject, or modify the decision and/or sanctions or to remand the case to the Decision-Maker for clarification or a completely new hearing. The Appeal Decision-Maker's decision will confirm and correct any identified procedural irregularities, conflicts of interest or bias, and/or ensure that any newly discovered evidence is included in their decision.

Within twenty (20) days of receipt of the appeal packet, the Appeal Decision-Maker will issue a final written decision simultaneously to both parties and the Title IX Coordinator describing the result of the appeal and the rationale for the result. The decision of the Appeal Decision-Maker is final.

### **VIII. Disciplinary Consequences**

Remedies must be designed to restore or preserve equal access to the College's education program or activity. A student found responsible for a violation of this policy will be subject to sanction(s) regardless of whether legal proceedings involving the same incident is underway or anticipated. Possible sanctions and remedies the College may implement following any determination of responsibility include: expulsion, withdrawal of an awarded degree, written warning, suspension, a fine, restitution, community service, probation, reference to counseling, and notation in the respondent's official student or personnel file of the fact of a violation and the sanction. An employee of the College found responsible for a violation of this policy will be subject to sanction(s) up to and including termination of employment.

The Title IX Coordinator is responsible for effective implementation of any remedies.

### **IX. Prohibition Against Retaliation**

Retaliation as defined in this Policy is, in itself, a violation of this Policy and the law. Complaints alleging retaliation for exercising rights pursuant to Title IX and/or engaging in or declining to engage in the Title IX grievance procedures shall be handled in accordance with this Policy and Title IX grievance procedures, as set forth herein. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

### **X. Title IX Sexual Harassment Training Requirements**

The Title IX Coordinator, investigator(s), Decision-Maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
2. Scope of the College's education program or activity, as it pertains to what is subject to Title IX regulations.
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Use of relevant technology, specifically including the technology used at a live hearing.
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.



8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the College's website.

#### **XI. Title IX Recordkeeping Requirements**

The College will retain a full record of all complaints filed under these provisions for a period of no less than seven (7) years from the date of the initial report or Formal Complaint, whichever is earlier. This includes records of any actions, including any supportive measures, taken in response to a report or Formal Complaint. The parties may request to inspect and review the records for a closed matter at any time during the retention period. The College will provide the parties with access to the records within a reasonable timeframe, not to exceed forty-five (45) calendar days from the date of the request.

### **Final**

#### **Policy II.A.1: Policy Against Discrimination and Harassment**

##### **I. Purpose**

The purpose of this Title IX Policy and Title IX Grievance Procedures ("Policy") is to establish the Erie County Community College's policy prohibiting Title IX sexual harassment, discrimination, and/or retaliation, in accordance with Title IX of the Education Amendments of 1972 (Title IX). This Policy references other College policies which may be implicated regarding conduct that falls outside the scope of this Policy, including other discriminatory conduct based on sex.

##### **II. Non-Discrimination Statement**

Erie County Community College does not discriminate and prohibits discrimination against any individual based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, marital status, veteran status, age or other classification protected by applicable law in matters of admissions, employment, services or in the educational programs, or activities that it operates. Harassment that is based on any of these characteristics, whether in verbal, physical or visual form, constitutes a form of prohibited discrimination. This includes harassing conduct which affects tangible job benefits, unreasonably interferes with an individual's academic or work performance or which creates what a reasonable person would perceive to be an intimidating, hostile or offensive work or educational environment.

##### **III. Title IX Policy Statement**

It is the policy of the Erie County Community College ("College") to maintain an environment for learning and working that is free from discrimination and harassment as defined in the College's Policy II.A.1, Policy Against Discrimination and Harassment, and as defined herein with more specificity with respect to Title IX sex discrimination and sexual harassment.

Students and employees are specifically notified that the College does not discriminate on the basis of sex, and prohibits sex discrimination, including sexual harassment, in any education program or activity that it operates, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and its regulations, 34 C.F.R. Part 106, including in admission and employment. The College will take all necessary steps to end conduct prohibited by this Policy, to prevent its recurrence, and to address its effects.

Inquiries about Title IX may be referred to the College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights (OCR), or both.

##### **IV. Title IX Compliance – Notice Requirements and Title IX Coordinator**

The foregoing Title IX Policy Statement shall be included in each student and staff handbook. In addition, Policy II.A.1, along with this Title IX Policy and Title IX Grievance Procedures, shall be posted to the College's website. Notice stating that the College does not discriminate in any manner, including Title IX sexual harassment, in any College education program or activity, shall be issued to all students, parents/guardians, employment applicants,



employees, and unions and/or professional organizations holding collective bargaining or professional agreements with the College.

All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Title IX Coordinator.

The Title IX Coordinator is the individual designated by the College to coordinate its efforts to comply with Title IX responsibilities.

Any person may report Title IX sexual harassment, discrimination, and/or retaliation (irrespective of whether the individual reporting is the person alleged to be the victim of such conduct), in person, by mail, by telephone, or by email, using the contact information listed below. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

The College's Title IX Coordinator is:

Guy Goodman  
2403 W. 8<sup>th</sup> Street  
Erie, PA 16505  
Telephone: (814) 413-7003  
Email: [TitleIX@ec3pa.org](mailto:TitleIX@ec3pa.org)

The contact information for the United States Department of Education, Office for Civil Rights is:

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

Telephone: 800-421-3481; FAX: 202-453-6012; TDD 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

The Title IX Coordinator's responsibilities shall include ensuring adequate nondiscrimination procedures are in place, recommending new procedures or modifications to procedures and monitoring the implementation of the College's nondiscrimination procedures in the following areas, as appropriate

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provide training for students and staff to prevent, identify and alleviate conduct which may constitute discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to law enforcement, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. College Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

#### **V. Definitions**

**Advisor** - An individual who has agreed to serve as an informal provider of support and advice for a Complainant or Respondent. Both parties may select an individual of their choice to serve as their Advisor. Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be,



an attorney. The College will appoint an Advisor for parties who have not selected their own.

The role of the Advisor is to assist and guide the party during all related College Title IX proceedings. The Advisor, upon a party's request may (1) accompany the party in any related meeting/proceeding, (2) advise the party in the preparation and presentation of sharing of information, (3) conduct cross-examination in Title IX hearings on behalf of the party they represent, and (4) advise the party in the preparation of any appeals. The Advisor shall not perform any function in the process other than advising the party and may not make a presentation or represent the party, other than at the Title IX hearing.

If, at any point, an Advisor becomes disruptive or fails to follow the rules for participation as set forth in this Policy, or other rules of decorum provided by the College, the College reserves the absolute and non-appealable right to remove the Advisor from the proceeding, and, if appropriate, any future meetings/proceedings. If a party's Advisor is removed, that party may choose another Advisor or otherwise will have one appointed for them by the College.

**Complainant** - An individual who is alleged to be the victim of reported conduct that could constitute Title IX sexual harassment.

**Consent** – A knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be informed, freely given and mutual. If intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation due to alcohol or drug consumption (voluntary or involuntary), or being asleep or unconscious, where the respondent knew or reasonably should have known that the person was incapacitated. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence, in and of itself, cannot be interpreted as consent. Further, intoxication, even to the point of incapacitation, is not an excuse for failure to obtain consent or understand whether consent was given.

Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Consent at one time and to one sexual act does not imply consent at any other time to that or any other sexual act at a later date and regardless of previous relations. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

**Days** – Unless otherwise indicated in the Policy, a reference to “days” means business days, as opposed to calendar days.

**Formal Complaint** – A document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the College investigate the allegation under the grievance process for formal complaints. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College. The authority for the Title IX Coordinator to sign a Formal Complaint does not make the Title IX Coordinator a party in the grievance process for Formal Complaints. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint.

**Retaliation** – Actions including intimidation, threats, coercion, and discrimination against any individual for any of the following:

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The following actions shall not constitute retaliation:



1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with College policy when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Respondent** -- An individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

**Supportive Measures** – Non-disciplinary, nonpunitive, and individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

**Title IX Sexual Harassment** – conduct on the basis of sex that satisfies one or more of the following:

1. A College employee conditioning the provision of an aid, benefit, or College service on an individual's participation in unwelcome sexual conduct, commonly referred to as **quid pro quo sexual harassment**.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a College education program or activity, commonly referred to as **hostile environment sexual harassment**.
3. Sexual assault, dating violence, domestic violence or stalking.
  1. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  2. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family



violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

3. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes but is not necessarily limited to certain sexual acts directed against another person without the consent of that person; fondling; incest; statutory rape.
4. **Stalking**, under Title IX, means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
  - i. Fear for their safety or the safety of others.
  - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a College education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

## **VI. Reports of Title IX Sexual Harassment**

### **A. Notice of Allegations**

The College has actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment when such conduct is reported to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. The President, Executive Vice President and Director of Human Resources of the College are the only individuals with authority to institute corrective measures on behalf of the College under this Policy. Upon receipt of this notice, the College is required to respond to the alleged Title IX sexual harassment promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

### **B. Submission of Report of Alleged Title IX Sexual Harassment**

The College encourages students, employees, and other third parties who believe that they or others have been subject to Title IX sexual harassment, other discrimination, or retaliation to promptly report such incidents to the Title IX Coordinator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

A College employee who suspects or is notified that a student, employee, or other third party may have been subject to conduct that constitutes Title IX sexual harassment shall immediately report the incident to the Title IX Coordinator. If the Title IX Coordinator is the subject of a complaint, the student, employee, or third party may report the incident directly to the President, Executive Vice President of the College or Director of Human Resources.

The complainant or the individual making the report (who need not be the complainant) may use the Report Form attached to this Policy for purposes of reporting an incident or incidents in writing; however, oral reports of an incident or incidents shall be accepted.

### **C. Initial Response to a Report**

All reports of alleged Title IX sexual harassment shall be promptly directed to the Title IX Coordinator. Upon receipt of a report of alleged Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant and, if necessary, the reporter (if not the complainant), regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures for the complainant. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall use the designated Report Form to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations, if presumed to be true, meet the definition for Title IX sexual harassment.

The Title IX Coordinator will initially assess whether the reported conduct:



1. Meets the definition of Title IX sexual harassment.
2. Occurred in a College program or activity under the control of the College and against a person in the United States.
3. Involves other College policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under Section 504 of the Rehabilitation Act.

If, as a result of this initial assessment, the Title IX Coordinator determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under other College policies or the Code of Student Conduct, then the Title IX Coordinator will redirect the report to the appropriate administrator to address the allegations.

If, as a result of this initial assessment, the Title IX Coordinator determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator will promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

***Supportive Measures, Equitable Treatment of Parties and Confidentiality***

The College will treat parties equitably by offering supportive measures to the complainant and respondent where appropriate. Supportive measures shall be offered to the complainant upon the initial filing of the report. The Title IX Coordinator will also determine what supportive measures may be offered to the respondent.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and to the respondent.
2. Following the Title IX grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent, subject to the “emergency removal” process described below.

The Title IX Coordinator and the College shall maintain as confidential any supportive measures provided to the complainant or respondent, except as may be permitted by law or regulations and to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The College must also keep confidential the identities of the complainant, respondent, individuals making a report of sexual harassment, or witnesses except for when disclosure is permitted by FERPA, is otherwise required by law, or to carry out a Title IX sexual harassment investigation, hearing, or other legal proceeding. The Title IX Coordinator should record and retain records regarding requests and provision of supportive measures in accordance with the recordkeeping requirements articulated in this Policy.

***Emergency Removal / Administrative Leave***

The College may remove a student respondent from the College’s education program or activity on an emergency basis, but only after undertaking an individualized safety and risk analysis, and only if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual arising from the allegations (including the Respondent themselves). This assessment may take place at any time following the receipt of a report. If the College reasonably believes that such a threat is posed, an interim suspension, or other interim action, may be assigned. In the case of such removal the College will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

For matters involving employee respondents, the Title IX Coordinator, in consultation with the employee’s supervisor and other relevant College officials, will determine whether administrative leave (with or without pay) is appropriate, without needing to meet the emergency removal standards.

These provisions may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.



**VII. Title IX Grievance Process – Procedures for Formal Complaints**  
**Step 1 - Filing a Formal Complaint**

**A. *General Obligations***

A formal complaint alleges Title IX sexual harassment, discrimination, and/or retaliation against a respondent and requests that the College investigate the allegation.

Upon receipt of a formal complaint, the Title IX Coordinator shall make an initial assessment as to whether the formal complaint, on its face, alleges an act of Title IX sexual harassment, discrimination, and/or retaliation. If not, the Title IX Coordinator may dismiss the matter as described below.

The Title IX Coordinator shall initiate the grievance procedures for formal complaints when a complainant files a formal complaint and the facts, if presumed to be true, could constitute Title IX sexual harassment, discrimination, and/or retaliation.

The Title IX Coordinator is also authorized to initiate a formal complaint process even if a complainant declines to proceed and requests that a formal complaint not to be initiated. In making this determination, the Title IX Coordinator should consider, among other issues, the reasons the complainant is requesting a formal complaint not be filed and also analyze whether supportive measures may be a sufficient response to the alleged behavior under the circumstances, whether the filing of a formal complaint is necessary to perform a further investigation into the alleged facts to determine if there is an ongoing health or safety threat to others or whether failure to proceed will preclude the school College from pursuing discipline against the respondent for inappropriate behavior the school College believes should be addressed if found to be true. The Title IX Coordinator must analyze all of these factors and conclude that it is not clearly unreasonable under the known circumstances for the Title IX Coordinator not to proceed with the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with legal counsel and other College officials in making this decision.

**B. *Notice Requirements***

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, providing the following information:

1. Notice of the College's grievance process for formal complaints and any informal resolution process that may be available. A copy of this Title IX Policy and Title IX Grievance Procedures should be referenced and provided via link or attachment.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that College policy prohibits knowingly making false statements or knowingly submitting false information to College officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the College decides to investigate during the course of the investigation.

**C. *Dismissals of a Formal Complaint***

The College shall investigate the allegations in a formal complaint, except as follows:



Discretionary Dismissals. Formal complaints may be dismissed if, at any time during the investigation or hearing:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the College in a College program or activity.
3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Mandatory Dismissals. The College shall dismiss the formal complaint if the conduct alleged in the formal complaint:

1. would not constitute sexual harassment as defined by this Policy, even if provided;
2. did not occur in the College's program or activity; or
3. did not occur against a person in the United States.

If the matter merits review and possible action under other College policies, then the Title IX Coordinator will redirect the report to the appropriate administrator to address the allegations.

Upon a dismissal required or permitted under this section, the College will promptly send written notification of the dismissal and reason(s) therefore to the parties simultaneously. The written notification shall state whether the allegations will continue to be addressed pursuant to other College policies.

A dismissal may be appealed via the appeal procedures set forth in these Grievance Procedures.

#### ***D. Consolidation of Title IX Formal Complaints***

The College may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **Step 2 - Voluntary Informal Resolution Process**

#### ***A. General Obligations***

Voluntary informal resolution may be appropriate when the College determines that it is consistent with the College's obligations under the law, institutional policies, and institutional values and is reasonably designed to end the misconduct, prevent the misconduct from happening again, and address or remedy its effects.

At any time after a Formal Complaint has been submitted, but before a final determination regarding responsibility has been made, the parties may enter a voluntary, informal resolution process, as permitted by the College. A formal complaint must be filed before an informal resolution can be considered. If the parties agree to participate in an informal resolution process, it is the College's responsibility to ensure that the matter is resolved within a reasonably prompt timeframe. While the College cannot compel or pressure a party to participate in an informal resolution process, the College may offer informal resolution as an alternative when discussing the Title IX grievance procedures. Informal resolution is not permitted in matters involving allegations of sexual harassment by an employee respondent against a student complainant.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgement of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or supportive measures.

#### ***B. Informal Resolution Procedures***

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
  1. The allegations.
  2. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.



3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall typically be conducted within ten (10) days of the parties' signed agreement for the informal resolution process, although the parties may mutually agree to a reasonable extension if necessary to continue the resolution process.

If the matter is resolved to the satisfaction of the parties, the College employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator.

Any informal resolution agreement will be in writing and represent the final resolution of the case. Failure to adhere to the terms of the resolution agreement may constitute a separate violation of College policy and/or result in the reopening of the existing Title IX matter.

If the Informal Resolution Process results in the final resolution of the formal complaint, the following steps are not applicable.

### **Step 3 - Investigation**

#### **A. General Obligations – Principles followed during the Grievance Process**

Under this grievance process, the College and the assigned Title IX investigator shall:

1. Bear the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. During the process of gathering evidence, unless the College obtains the voluntary, written consent of the party, or the party's parent/guardian or other legal representative when legally required, the College cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party.
2. Objectively evaluate all available evidence gathered through the investigation, including inculpatory and exculpatory evidence (information that demonstrates no wrongdoing).
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory (incriminating) and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate in the proceedings. For the purposes of this Policy, the role of the advisor is limited to the following: the advisor may attend any interview or meeting connected with the grievance process, but may not actively participate in interviews nor provide testimony or argument on behalf of the party. The advisor may attend the live hearing and may conduct cross-examination of the other party and any witness at the hearing; otherwise the advisor may not actively participate in the hearing.
6. Provide, to any party whose participation is invited or expected, written notice of the date, time, location, participants and purpose of all investigative interviews, hearings or other meetings held during the investigation process, with sufficient time for the party to prepare to participate. The College cannot compel a party or witness to answer any questions during the interview or submit documents or otherwise make any statements; however, the parties are encouraged to provide relevant information to the investigator. A party or witness's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report.



7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the College does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.
8. Use the following standard of evidence to determine responsibility for allegations in a formal complaint of sexual harassment: the preponderance of evidence standard.
9. If at any point the investigation expands to include additional allegations that were not included in the initial notice of the allegations provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator and the Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

***B. Investigation Procedures***

If not serving as the Investigator, the Title IX Coordinator will appoint an Investigator, who may be an employee or official of the College or may be an external investigator with appropriate experience or expertise and training. When investigating a formal complaint, the Investigator will seek to complete the investigation within a prompt and reasonable amount of time, typically not to exceed 60 days. This timeline is not binding and creates no rights for the parties. The College can extend deadlines at its discretion. If temporary delays occur, the Complainant and Respondent will be notified in writing regarding the reason(s) for the delay.

When investigating a formal complaint, the investigator shall:

1. Engage in fact-gathering of all relevant facts.
2. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
3. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
4. Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
5. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, the Investigator or Title IX Coordinator shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Upon finalization of the investigative report, the Title IX Coordinator shall provide it to the Decision-maker(s), subject to the dismissal procedures outlined below.

Within five (5) days of receipt of the final Investigative report, the Title IX Coordinator will make a determination that the College will:

1. Convene a hearing before an impartial fact-finding decision maker(s) who will hear testimony from the parties and relevant witnesses, review the relevant evidence, and make a determination as to responsibility;  
OR
2. The matter will be dismissed because the investigation revealed facts that either:
  - a. require a dismissal under Title IX (e.g., the conduct alleged would not constitute Title IX sexual harassment, even if true, did not occur in the College's education program or activity, or did not occur in the United States); or,



- b. allow for a dismissal (e.g., if the complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint, the respondent is no longer enrolled or employed by the College, or specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein).

If a determination is made to dismiss the formal complaint, the parties may exercise their right to appeal using one or more of the bases for appeal set forth below. In the absence of a dismissal, the matter will be forwarded to the appropriate College decision maker(s) for disposition.

#### **Step 4 - Live Hearing Process**

##### **A. *General Obligations – Requirement of Live Hearing for Fact-Finding and Determining Responsibility.***

1. Within five (5) days of receipt of the final Investigative report, the Title IX Coordinator will select the Title IX Decision-Maker(s) (who may not be the Title IX Coordinator nor the Investigator) and will provide them with a copy of the final investigative report.
2. Promptly after selection of the Decision-Maker(s), the Title IX Coordinator will provide concurrent written notice to the parties of the date, time and location of the hearing and the identity of the Decision-Maker(s). The live hearing shall be closed and shall be scheduled to take place within fifteen (15) days of completion of the investigative report, unless the Title IX Coordinator determines extenuating circumstances exist justifying an extension of that timeframe.
3. New evidence (evidence not gathered and considered during the investigative phase) may not be introduced during the live hearing. Likewise, new witnesses (who have not been interviewed by the investigator(s)) are not permitted at the hearing.
4. The only individuals permitted to participate in the hearing are as follows: the complainant, the respondent, the Decision-Maker(s), the advisor for each party, any witnesses (only while being questioned), the Title IX Coordinator and any individual providing authorized accommodations or assistive services.
5. The parties have the right to participate or decline to participate in the hearing.
6. If a party does not have an advisor present at the live hearing, the College shall provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney.
  - a. The advisor may conduct cross examination on behalf of that party.
  - b. College is obligated to ensure each party has an advisor, either of the party's or College's choice, regardless of whether or not the party is present at the hearing. To ensure timely proceedings, a party shall alert the Title IX Coordinator as soon as practicable if the party will need an advisor.
  - c. If a party's selected advisor is unavailable for a hearing date, the live hearing date may be postponed for good cause.
7. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses and other participants may appear at the live hearing virtually, provided there is technology enabling the participants to simultaneously see and hear each other.
  - a. At the request of either party, the College shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision-Maker(s) and parties to simultaneously see and hearing the party or witness answering questions.
  - b. The College shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Any other recording is prohibited.
  - c. Any necessary accommodations for any participant at the live hearing

##### **B. *Decorum / Etiquette Expectations***

1. All parties are expected to be civil and adhere to basic standards of decorum by answering questions posed by the Decision-Maker(s) and relevant questions posed by a party's advisor in a respectful, non-abusive manner.
2. Parties may not interrupt any testimony or cross-examinations being conducted.



3. The complainant, respondent, and their advisors shall be allowed to attend the entire portion of the live hearing.
4. Witnesses are only allowed to attend during the time the credibility of their evidence is being reviewed; however, all witnesses will need to be available during the entire hearing, unless dismissed by the Decision-Maker(s).

**C. Questioning at the Live Hearing**

1. At the live hearing, the Decision-Maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. The Decision-Maker(s) have the right to question a party or witness.
2. Only relevant cross examination and other questions may be asked of a party or witness.
3. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
4. Before the complainant, respondent, or witness answers a cross-examination or other question, the Decision-Maker(s) must first determine whether the question is relevant. The Decision-Maker(s) may consult the College's legal counsel on questions of relevancy and admissibility.
  - a. If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-Maker may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors.
  - b. The Decision-Maker(s) must explain to the party or individual proposing the questions any decision to exclude a question as not relevant.
  - c. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

**D. Use of Witness Statements**

1. If a party or witness does not submit to cross examination at the live hearing or refuses to respond to any question deemed relevant and not impermissible, the Decision-Maker(s) may choose to place less or no weight upon statements by such a party or witness when making a determination regarding responsibility.
2. The Decision-Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
3. The Decision-Maker(s) may consider statements by parties and witnesses even if those parties or witnesses do not participate in cross-examination at the live hearing and may consider documents containing statements even if the party or witness who made the statement is not cross-examined at the live hearing.

**Step 5 - Written Determination of Decision-Maker(s) and College Action**

Following the conclusion of the hearing, the Decision-Maker(s) shall:

1. Issue a written determination regarding responsibility within ten (10) days of the live hearing. To reach this determination, the Decision-Maker(s) must apply the standard of evidence required by this Policy (i.e., the preponderance of the evidence standard) and conclude whether the evidence establishes it is more likely than not that the respondent committed a violation of this Policy.
2. The written determination must include:
  - a. Identification of the allegations potentially constituting Title IX sexual harassment as defined by this Policy.
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination post live hearing, including any notifications to the parties, interviews with parties and witnesses, site visits, methods use to gather other evidence, and hearings held.
  - c. Findings of fact supporting the determination.
  - d. Conclusions regarding the application of the College's Policy to the facts.



- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant.
  - f. The procedures and permissible bases for the complainant and respondent to appeal, as set forth in this policy.
3. The College shall provide the written determination to the parties simultaneously. The Title IX Coordinator shall be provided with a copy of the written determination. The written determination will be mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account.
  4. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **Step 6 - Appeal of Dismissal or Written Determination**

Any party may file a Request for Appeal by submitting such a request in writing to the Title IX Coordinator within five (5) days of receiving the written determination regarding responsibility and/or issuance of notice of dismissal of the formal complaint. Once the five (5) days have passed, the matter will be deemed closed.

Appeals from the College's dismissal of a formal complaint or written determination after a live hearing are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. An allegation that the Title IX Coordinator, Investigators, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

The appeal must include the ground(s) for the appeal and describe the supporting evidence. The Title IX Coordinator will appoint an Appeal Decision-Maker, who shall not be the same person as the Decision-Maker(s) that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator. The Appeal Decision-Maker shall comply with the standards set forth in this Policy.

As to all appeals, the Title IX Coordinator shall:

1. Implement appeal procedures equally for both parties.
2. Immediately provide notice of the appeal to the non-appealing party, who has five (5) days to submit to the Title IX Coordinator a written response to the appeal which addresses solely the ground(s) alleged for the appeal.
3. Upon receipt of the non-appealing party's response to the appeal, the Title IX Coordinator will submit the appeal and the non-appealing party's response to the Appeal Decision-Maker.

The Appeal Decision-Maker's review will be based only on the written record, which shall consist of the final investigative report, notice of dismissal and/or written determination of responsibility, written appeal and written appeal response (if any), as well as the recording of the hearing, and will not include meetings or discussions with the parties or Title IX personnel directly involved in the investigation. Therefore, the appealing party should include any supporting documents with their written appeal, including any alleged new evidence that was not available at the time of the hearing that may have affected the outcome. The Appeal Decision-Maker may consult with the Title IX Coordinator regarding matters of procedure, as appropriate.

For an appeal related to the dismissal of a formal complaint based on the limited grounds above, the Appeal Decision-Maker will decide whether to approve or reject the decision of the Title IX Coordinator. If rejected, the Appeal Decision-Maker will return the formal complaint to the Title IX Coordinator, and the complaint process shall proceed consistent with the grievance procedures set forth above. If approved, the matter is closed.

For the appeal of a finding of the Title IX Decision-Maker based on the limited grounds above, the Appeal Decision-Maker will decide whether to approve, reject, or modify the decision and/or sanctions or to remand the case to the Decision-Maker for clarification or a completely new hearing. The Appeal Decision-Maker's decision will confirm and correct any identified procedural irregularities, conflicts of interest or bias, and/or ensure that any newly discovered evidence is included in their decision.



Within twenty (20) days of receipt of the appeal packet, the Appeal Decision-Maker will issue a final written decision simultaneously to both parties and the Title IX Coordinator describing the result of the appeal and the rationale for the result. The decision of the Appeal Decision-Maker is final.

**VIII. Disciplinary Consequences**

Remedies must be designed to restore or preserve equal access to the College's education program or activity. A student found responsible for a violation of this policy will be subject to sanction(s) regardless of whether legal proceedings involving the same incident is underway or anticipated. Possible sanctions and remedies the College may implement following any determination of responsibility include: expulsion, withdrawal of an awarded degree, written warning, suspension, a fine, restitution, community service, probation, reference to counseling, and notation in the respondent's official student or personnel file of the fact of a violation and the sanction. An employee of the College found responsible for a violation of this policy will be subject to sanction(s) up to and including termination of employment.

The Title IX Coordinator is responsible for effective implementation of any remedies.

**IX. Prohibition Against Retaliation**

Retaliation as defined in this Policy is, in itself, a violation of this Policy and the law. Complaints alleging retaliation for exercising rights pursuant to Title IX and/or engaging in or declining to engage in the Title IX grievance procedures shall be handled in accordance with this Policy and Title IX grievance procedures, as set forth herein. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

**X. Title IX Sexual Harassment Training Requirements**

The Title IX Coordinator, investigator(s), Decision-Maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
2. Scope of the College's education program or activity, as it pertains to what is subject to Title IX regulations.
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Use of relevant technology, specifically including the technology used at a live hearing.
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.
8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the College's website.

**XI. Title IX Recordkeeping Requirements**

The College will retain a full record of all complaints filed under these provisions for a period of no less than seven (7) years from the date of the initial report or Formal Complaint, whichever is earlier. This includes records of any actions, including any supportive measures, taken in response to a report or Formal Complaint. The parties may request to inspect and review the records for a closed matter at any time during the retention period. The College will provide the parties with access to the records within a reasonable timeframe, not to exceed forty-five (45) calendar days from the date of the request.



## Resolution to Implement Board Policy II.A.6: Anti-Hazing Policy

### Information

After consultation with the Higher Education Compliance (HEC) Group, financial aid consultants, it was determined that EC3 is required to have in place a hazing prevention policy to address any potential instances of hazing within employee or student groups. The policy, as written, addresses hazing and will be administered by the Dean of Students or Human Resources as appropriate.

### Recommendation

The Academic Committee recommends that the Board of Trustees moves to implement Policy II.A.6: Anti-Hazing Policy as presented.



**POLICY II.A.6: Anti-Hazing Policy**

**I. Policy Statement**

The Erie County Community College (“College”) does not tolerate hazing. Organizations or individuals found responsible for hazing under this Policy, whether occurring on or off campus, may be subject to disciplinary action by the College, and may also face criminal charges under state or other applicable laws. This Policy is intended to comply with all applicable state and federal laws and regulations, including the Timothy J. Piazza Antihazing Law, 18 Pa. C.S. § 2801 *et seq.* and the federal Stop Campus Hazing Act, Pub. L. No. 118-173 (2024)(20 U.S.C. §1092(f)).

For the purposes of this Policy, it shall not be a defense that the consent of the minor or student was sought or obtained or that the conduct was sanctioned or approved by the organization.

**II. Prohibited Conduct**

Hazing, as defined in this Policy, is strictly prohibited at the College. Organizations or individuals found responsible for hazing under this Policy, whether occurring on or off campus, will be subject to disciplinary action by the College in accordance with this Policy and other applicable College policies. Separately, acts of hazing may also subject those individuals or organizations to criminal charges under applicable state law, including the Timothy J. Piazza Antihazing Law.

**III. Federal and State Law Definitions of Hazing**

**A. Federal law definition of hazing (Stop Campus Hazing Act)**

**Hazing:** Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that

1. is committed in the course of an initiation into, an affiliation with, or maintenance of membership in a “student organization”; and
2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the College or the student organization (such as the physical preparation necessary for participation in an athletic team), or physical or psychological injury including –
  - a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
  - b. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - c. causing coercing, or otherwise inducing a person to consume food, liquid, alcohol, drugs, or other substances;
  - d. causing, coercing, or otherwise inducing another person to perform sexual acts;
  - e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - f. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
  - g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The term “**Student Organization**” means an organization at the College (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the College, whether or not the student organization is established or recognized by the College.

**B. State law definition of hazing (Timothy J. Piazza Antihazing Law)**

**Hazing:** A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

1. violate Federal, State, or Municipal law or College policy or procedure;



2. consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm;
3. endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements;
4. endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
5. endure brutality of a sexual nature; or
6. endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

Hazing shall NOT include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

**Organization:** Any of the following:

1. A fraternity, sorority, association, corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, students or alumni of the organization, an institution or secondary school.
2. A national or international organization with which a fraternity or sorority or other organization as enumerated under paragraph (1) is affiliated.

**Student:** For purposes of this Policy only, is an individual who attends or has applied to attend or has been admitted to the College.

#### **IV. Reporting Violations of this Policy**

Individuals who are Campus Security Authorities (CSAs), as that term is defined by the Jeanne Clery Campus Safety Act, are required to report hazing incidents, including those allegedly committed by student organizations that are not formally recognized by the College.

The College strongly encourages all other members of the College community who believe they have witnessed, experienced, or are aware of conduct that constitutes hazing to report the conduct to the Dean of Student's Office, and/or the appropriate police agency.

Non-CSAs may submit anonymous reports. This Policy and reports made pursuant to this Policy do not supersede or replace other reporting obligations mandated by law or College policy (e.g., Reporting Suspected Child Abuse, Title IX, etc.).

#### **Reports to College:**

Any person may report hazing (whether or not the individual reporting is the person alleged to be the victim of conduct that could constitute hazing) online, in person, by mail, by telephone, or by email at any time, including during non-business hours, using the contact information listed below.

Dr. Keri Bowman, Dean of Students  
2403 W. 8<sup>th</sup> Street  
Erie, PA 16505  
Telephone: 814-413-7016  
Email: [kbowman@ec3pa.org](mailto:kbowman@ec3pa.org)  
Reporting Form: [EC3 Hazing Incident Form](#)

#### **Reports to Law Enforcement:**

If the reporting individual, or someone else, is in immediate danger, or if the reporter believes there could be an ongoing threat to themselves, another individual, or the community, the reporter should immediately call 911.

College community members are encouraged to directly report violations of criminal laws, including The Timothy J. Piazza Antihazing Law, 18. Pa. C.S. § 2801, et seq., to law enforcement. Reports can be made by dialing 911 or contacting the local police agency in the jurisdiction in which the alleged incident occurred.



**V. Investigation and Enforcement**

Allegations of hazing reported to the College will be reviewed and thoroughly investigated by the College in accordance with 20 U.S.C. §1092(f)(1)(K). Upon receipt of a complaint of hazing, the College shall determine what, if any interim measure should be put in place to protect students from further hazing or retaliatory conduct related to the alleged report of hazing.

If violations of this Policy are found, individuals and those organizations that are sanctioned or recognized by the College will be held accountable by the relevant College entity that has authority over the individual or organization.

Violations may result in disciplinary actions for individuals or those organizations that are sanctioned or recognized by the College, which can include, but are not limited to, written warnings, probation, fines, loss of privileges, loss of recognition, mandatory training or education, loss of salary increase, administrative leave, suspension, expulsion, revocation of tenure, discontinued participation in youth programming, and/or termination of employment. Such penalties shall be in addition to any other penalties imposed for violating state criminal law or any other College rule or policy. The College may take immediate interim action pending the outcome of an investigation.

**VI. College's Campus Hazing Transparency Report and External Reporting Requirements**

The College will maintain a Campus Hazing Transparency Report ("CHTR") of all findings of violations of this Policy for five (5) previous consecutive years related to incidents of hazing that are reported to the College. The College will update the report biannually on January 1st and August 1st and will publish the report on the College's website. Each entry on the CHTR shall contain the following information:

- Name of the subject student organization;
- General description of the alleged violation, including whether the violation involved the abuse or illegal use of alcohol or drugs;
- Date the incident was alleged to have occurred;
- Date the investigation into the incident was initiated;
- Date the investigation concluded;
- Date the organization was notified of the outcome of the investigation;
- Date on which the subject was charged with the alleged violation;
- Findings of the investigation;
- Any sanctions placed on the student organization or subject of the report, if applicable.

A single report, the CHTR, will be utilized to comply with the public reporting requirements of the federal Stop Campus Hazing Act, 20 U.S.C. §1092(f)(9)(A), and the state law, 18 Pa. C.S.A. §2809.

**VII. Hazing Prevention and Awareness Programs**

The College is committed to preventing hazing and maintaining and implementing hazing prevention efforts in accordance with 20 U.S.C. §1092(f)(1)(L). The College administers research-informed hazing awareness and prevention programs ("Programs") designed to reach students, staff and faculty which address (1) the definition/meaning of "hazing"; (2) prevention strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership and the promotion of strategies for building group cohesion without hazing.

**VIII. Distribution of the Policy**

This Policy shall be posted on the College's publicly accessible website.

Each organization sanctioned or recognized by the College shall be provided a copy of the Policy. College students shall be informed of the contents of this Policy.

*Erie County Community College*  
**YEAR-TO-DATE OPERATING & CAPITAL CASH BASIS BUDGET REPORT**  
*Fiscal Year 2025-26 as of December 31, 2025*

	YTD Actual	YTD Budget	Actual vs. Budget	% Variance Anticipated	Comments
<b>OPERATING &amp; CAPITAL REVENUES</b>					
Student Tuition & Fees	\$ 133,432	\$ 123,375	\$ 10,057	8.2%	
Tuition from Noncredit Programs	19,450	39,000	(19,550)	-50.1%	
County of Erie - Operating	2,236,268	1,490,845	745,423	50.0%	
County of Erie - Recurring Capital	526,461	350,974	175,487	50.0%	
County of Erie - One-Time Capital	237,272	158,181	79,091	50.0%	
Commonwealth of PA - Operating	1,633,631	1,666,497	(32,866)	-2.0%	
Commonwealth of PA - Recurring Capital	256,724	256,724	-	0.0%	
Commonwealth of PA - One-Time Capital	-	-	-	0.0%	
Commonwealth of PA - SS Reimbursement	70,518	70,000	518	0.7%	
Grants	10,129	239,693	(229,564)	-95.8%	
Investment Income	104,794	90,000	14,794	16.4%	
Donation Passthrough	135,448	89,000	46,448	52.2%	
Miscellaneous Income	423	1,200	(777)	-64.8%	
<b>Total Operating &amp; Capital Revenues</b>	<b>\$ 5,364,547</b>	<b>\$ 4,575,489</b>	<b>\$ 789,059</b>	<b>17.2%</b>	
<b>APPLICATION OF FUNDS</b>					
Salaries	\$ 1,866,641	\$ 1,981,117	\$ 114,476	5.8%	
Staff Benefits	443,039	508,099	65,060	12.8%	
Other Expenses	241,157	310,241	69,084	22.3%	
Contracted	83,991	163,700	79,709	48.7%	
Insurance	58,636	58,624	(12)	0.0%	
Travel	15,490	33,675	18,185	54.0%	
Maintenance & Repairs	37,047	51,273	14,226	27.7%	
Marketing	214,202	284,350	70,148	24.7%	
Contingency	-	25,000	25,000	100.0%	
Non-Lease Equipment & Non-Leased Software	120,295	156,348	36,054	23.1%	
Facility Operations	94,239	110,098	15,859	14.4%	
Leased Facilities, Equipment, & Software	506,439	520,336	13,897	2.7%	
Capital Equipment Additions	1,064,146	896,224	(167,922)	-18.7%	
<b>TOTAL EXPENSES</b>	<b>\$ 4,745,322</b>	<b>\$ 5,099,085</b>	<b>\$ 353,763</b>	<b>6.9%</b>	
<b>Surplus/(Deficit)</b>	<b>\$ 619,226</b>	<b>\$ (523,596)</b>	<b>\$ 1,142,822</b>		

**Erie County Community College**  
**Confirmation of Bank Statement Reconciliations**

**Community College  
of Erie County**

Currency

USD

All EC3 Statements - Beginning Date

12/1/2025

All EC3 Statement - End Date

12/31/2025

Bank Statements Status - Reviewed & Reconciled

**Reconciled**

**Operating Account Balances**

FNB

**December 2025  
Current Balances**

Operating

\$ 103,416.81

Investment Account

\$ 356,336.90

**Total Operating Account Balances**

**\$ 459,753.71**

**Designated Purpose Account Balances**

FNB

Designated Purpose Account

\$ 4,011,232.21

- Transformational Philanthropy Fund	\$ 1,590,000.00
- Interest Earned - Transformational Philanthropy Fund	\$ 4,492.88
- Window Replacement Fund	\$ 410,000.00
- Interest Earned - Window Replacement Fund	\$ 1,123.22
- Allied Health Fund	\$ 2,000,000.00
- Interest Earned - Allied Health Fund	\$ 5,616.11

Advancement Fund Account

\$ 239,715.91

Board Designated Reserves

\$ 750,000.00

Board Designated Reserves Acct. #2670

\$ 501,408.43

**Total Designated Account Balances**

**\$ 5,502,356.55**

**Total Operating and Designated Account Balances**

**\$ 5,962,110.26**

**Other Designated Purpose Account Balances**

Foundation Agency Fund

**\$ 1,928,724.86**

*(not included in College account balances)*

**Receivable - Funds State and County**

Erie County - Quarterly Funding

\$ -

State PDE - Operating & Capital

\$ -

**\$ -**



Resolution to Approve the Final Fiscal Year 2026 Budget

Information

The Board of Trustees approved a tentative Fiscal Year 2026 Budget at its May 28, 2025 meeting, pending enactment of the Commonwealth of Pennsylvania’s state budget. The Commonwealth approved its budget on November 12, 2025.

Presented for consideration is the final Fiscal Year 2026 Budget, which reflects finalized state appropriations and related adjustments. A full-year FY2026 Budget is attached for review.

Recommendation

The Finance Committee recommends the Board of Trustees moves to approve the final Fiscal Year 2026 Budget as presented.

**Erie County Community College**  
**FY 2025-26 Budget - Final**

<b>OPERATING REVENUES</b>	<b>FY 2025-26</b>
Student Tuition & Fees	\$ 360,660
Tuition from Noncredit Programs	56,200
County of Erie - Operating	2,981,690
County of Erie - Recurring Capital	701,948
County of Erie - One-Time Capital	316,362
Commonwealth of PA - Operating	3,267,262
Commonwealth of PA - Recurring Capital	701,948
Commonwealth of PA - One-Time Capital	316,362
Commonwealth of PA - SS Reimbursement	140,000
Grants	791,000
Investment Income	180,000
Donation Passthrough	201,448
Miscellaneous Income	3,250
<b><i>TOTAL REVENUES</i></b>	<b>\$ 10,018,129</b>

**APPLICATION OF FUNDS**

Salaries	\$ 3,707,448
Staff Benefits	937,305
Other Expenses	608,998
Contracted	235,271
Insurance	76,000
Travel	25,000
Maintenance & Repairs	75,775
Marketing	445,500
Contingency	25,000
Non-Lease Equipment & Non-Leased Software	914,820
Facility Operations	221,700
Leased Facilities, Equipment, & Software	1,102,166
Capital Equipment Additions	1,643,146
<b><i>TOTAL EXPENSES</i></b>	<b>\$ 10,018,129</b>

<b><i>REVENUES OVER EXPENSES</i></b>	<b>\$ -</b>
--------------------------------------	-------------

**EC3 Budget Detail**  
**Fiscal Year 2025/2026 - Final**

	<b>Final Budget FY26</b>
<b>FUNDING SOURCES:</b>	
Student Tuition & Fees	\$ 360,660
Tuition from Noncredit Programs	\$ 56,200
County of Erie	\$ 4,000,000
Commonwealth of PA - Operating	\$ 3,267,262
Commonwealth of PA - Recurring Capital	\$ 701,948
Commonwealth of PA - Start Up Reimbursement	\$ 316,362
Commonwealth of PA - SS Reimbursement	\$ 140,000
Grants	\$ 791,000
Miscellaneous Income	\$ 384,698
<b>TOTAL REVENUES</b>	<b>\$ 10,018,129</b>
<b>SALARIES:</b>	
<b>FULL TIME SALARIES:</b>	
Administrative	\$ 1,167,985
Staff	\$ 784,735
Faculty	\$ 681,218
<b>PART TIME SALARIES:</b>	
Part Time Faculty	\$ 913,828
PT Administrative	\$ 3,930
PT Staff	\$ 138,921
Student Workers	\$ 16,830
<b>TOTAL FULL TIME SALARIES</b>	<b>\$ 2,633,938</b>
<b>TOTAL PART TIME SALARIES</b>	<b>\$ 1,073,510</b>
<b>TOTAL SALARIES</b>	<b>\$ 3,707,448</b>
<b>STAFF BENEFITS</b>	
Medical Insurance	\$ 368,667
Dental Insurance	\$ 20,589
Vision Insurance	\$ 5,171
Other Insurance/Benefits	\$ 44,338
FICA	\$ 278,712
Retirement Contribution	\$ 195,578
Unemployment Tax Withholdings	\$ 23,272
Workers Compensation	\$ 13,309
Tuition Reimbursement	\$ 15,000
Professional Development	\$ 15,000
Payroll Processing Fees	\$ 13,808
Employee Contributions	\$ (56,138)
<b>TOTAL STAFF BENEFITS</b>	<b>\$ 937,305</b>
<b>OTHER EXPENSES</b>	
Instructional Supplies	\$ 220,620
Office Supplies	\$ 6,540
Event Supplies	\$ 24,625
Other Supplies	\$ 70,175
Professional Fees - Audit	\$ 41,830
Professional Fees - Legal	\$ 40,000
Professional Fees - Other	\$ -
Consultants	\$ 58,500
Accreditation	\$ 33,695

## EC3 Budget Detail

### Fiscal Year 2025/2026 - Final

	<b>Final Budget FY26</b>
Board Development	\$ 10,000
Postage	\$ 3,950
Sponsored Event Costs	\$ 26,065
Licenses and Certifications	\$ 3,500
Interest Expense	\$ 3,643
Administrative Fees	\$ 17,425
Institutional Memberships	\$ 48,430
<b>TOTAL OTHER EXPENSES</b>	<b>\$ 608,998</b>
<b>CONTRACTED SERVICES</b>	
Information Technology	\$ 66,486
Maintenance	\$ 10,000
Support Staff	\$ 31,830
Transportation Services	\$ 76,200
Specialized Service Providers	\$ 42,756
Printing	\$ 8,000
<b>TOTAL CONTRACTED SERVICES</b>	<b>\$ 235,271</b>
<b>INSURANCE</b>	
Insurance	\$ 76,000
<b>TOTAL INSURANCE</b>	<b>\$ 76,000</b>
<b>TRAVEL</b>	
Staff	\$ 25,000
<b>TOTAL TRAVEL</b>	<b>\$ 25,000</b>
<b>MAINTENANCE &amp; REPAIRS</b>	
Maintenance & Repairs	\$ 75,775
<b>TOTAL MAINTENANCE &amp; REPAIRS</b>	<b>\$ 75,775</b>
<b>MARKETING</b>	
Ad - Billboards	\$ 72,000
Ad - Marketing & Promotional Materials	\$ 16,525
Ad - Newspaper	\$ 26,600
Ad - Online/Internet (Non Social Media)	\$ 97,800
Ad - Radio	\$ 8,500
Ad - Social Media	\$ 8,400
Ad - Television	\$ 46,085
Audio & Visual Production	\$ 21,100
Brochures & Catalogs	\$ 3,000
Direct Mailers	\$ 5,660
Marketing - Sponsorships	\$ 108,200
Marketing Items - Facilities	\$ 26,830
Swag/Giveaways	\$ 4,800
<b>TOTAL MARKETING</b>	<b>\$ 445,500</b>
Contingency	\$ 25,000
Reserves	\$ -
Other	\$ -
<b>TOTAL OTHER EXPENSES</b>	<b>\$ 1,491,544</b>
<b>NON-LEASED EQUIPMENT AND NON-LEASED SOFTWARE</b>	
<b>NON-LEASED EQUIPMENT</b>	
Equipment - Instructional	\$ 7,000
Equipment - IT	\$ 13,392
Equipment - Other	\$ 1,200

**EC3 Budget Detail**  
**Fiscal Year 2025/2026 - Final**

	<b>Final Budget FY26</b>
Furniture and Fixtures	\$ 1,750
<b>TOTAL NON-LEASED EQUIPMENT</b>	<b>\$ 23,342</b>
<b>SOFTWARE SUBSCRIPTIONS ANNUAL</b>	
SOFTWARE SUBSCRIPTIONS ANNUAL	\$ 891,478
<b>TOTAL SOFTWARE SUBSCRIPTIONS ANNUAL</b>	<b>\$ 891,478</b>
<b>TOTAL NON-LEASED EQUIPMENT AND NON-LEASED SOFTWARE</b>	<b>\$ 914,820</b>
<b>LEASED FACILITIES EQUIPMENT AND SOFTWARE</b>	
<b>LEASED EQUIPMENT</b>	
IT Equipment	\$ 246,365
Copiers/Printers/MFDs	\$ 9,900
Other Equipment	\$ -
<b>TOTAL LEASED EQUIPMENT</b>	<b>\$ 256,265</b>
<b>LEASED SOFTWARE</b>	
Leased Software	\$ 29,929
<b>TOTAL LEASED SOFTWARE</b>	<b>\$ 29,929</b>
<b>FACILITIES</b>	
Leased Facilities	\$ 815,971
<b>TOTAL LEASED FACILITIES</b>	<b>\$ 815,971</b>
<b>TOTAL LEASED FACILITIES EQUIPMENT &amp; SOFTWARE</b>	<b>\$ 1,102,166</b>
<b>FACILITY EXPENSES</b>	
<b>Utilities</b>	
Electric	\$ 48,000
Fiber Optic Internet & Phone Service	\$ 27,000
Gas	\$ 27,000
Phone	\$ 4,000
Water & Sewer	\$ 9,000
<b>Contracted Services - Facilities</b>	
Security	\$ -
Cleaning	\$ 43,505
Waste Removal	\$ 2,970
Snow Removal	\$ 25,000
Landscaping	\$ 13,750
<b>Facilities Other</b>	
Fuel/Gasoline	\$ 1,000
Vehicle Maintenance	\$ 750
Custodial Supplies	\$ 19,725
<b>TOTAL FACILITY EXPENSES</b>	<b>\$ 221,700</b>
<b>CAPITAL PURCHASES</b>	
Capital Purchases	\$ 1,643,146
<b>TOTAL CAPITAL PURCHASES</b>	<b>\$ 1,643,146</b>
<b>TOTAL EXPENSES</b>	<b>\$ 10,018,129</b>
<b>SURPLUS (SHORTFALL)</b>	<b>\$ 0</b>



Resolution to Reaffirm and Amend Finance, Facilities, and Information Technology  
Related Board Policies to Reflect Current Practice

Information

In accordance with the requirement that board policies be reviewed every five years, key reaffirmations and amendments of policies are being proposed. The revised language reinforces the distinction between board-level policies and administrative-level procedures and practices and aligns references to the current EC3 organizational structure and updating language for consistent terminology within the College's practices.

The following is a series of Board Policies we are asking the board to consider:

*Reaffirmed*

Policy II.B.5: Use and Duplication of Software

*Amended*

Policy II.B.6: Acceptable Use Policy for Interactive Systems

Policy II.B.7: Policy for Responsible Computing

Policy III.D.2: Reimbursement for Authorized Travel and Business Expenses

- The policies above are amendments to remove procedures from board policy.

Policy VI.A.2: Contracting Practices and Management

- Changes signature authority to the President for purchases \$50,000 and above. This matches the amount for Board approval under Policy VI.A.4: Purchases and Contracts Requiring Specific Board Authorization.

Policy VI.A.4: Purchases and Contracts Requiring Board Authorization

- Amendments to remove unnecessary language and clarify intent.

Policy VI.A.5: Expenditure Approval Requirements

- This policy amendment removes procedures from board policy. To clarify, this policy's dollar value limits apply to expense approvals and not to the dollar value that applies to contract execution as expressed in Policy VI.A.2: Contracting Practices and Management.

Policy VII.C.1: Use of College Equipment and Facilities

- Amendments to remove unnecessary language and clarify intent.

Recommendation

The Finance Committee recommends that the Board of Trustees moves to amend the Board Policies as presented.



### Reaffirm

#### **Policy II.B.5: Use and Duplication of Software**

Erie County Community College forbids, under any circumstances, the unauthorized reproduction of software or the use of illegally obtained software. Using College equipment to make illegal copies of software is prohibited. Employees and students of the College who violate this policy are subject to disciplinary action. Individuals who violate federal copyright law and software licensing agreements may also be subject to criminal action and/or civil action by the owner of the copyright. The College purchases or licenses the use of copies of software from a variety of outside companies. The College does not own the Copyright to this software or its related documentation and, unless authorized by the software developer or copyright Owner, does not have the right to reproduce it for use on more than one computer. The College will make a reasonable effort to correct any discovered instances of illegal software by deleting it. The College will not defend or indemnify any employee or student of the College who makes unauthorized copies of software programs or otherwise violates the terms on which any software programs are licensed. Individuals are responsible for familiarizing themselves with the copyright provisions of the software they use.

Erie County Community College, along with many other colleges and universities, supports the following statement from the 1987

brochure entitled "Using Software," distributed by EDUCOM (a non-profit consortium of over 450 colleges and universities):

1. Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, the right to privacy, and right to determine the form, manner, and terms of publication and distribution.
2. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.

Employees and students of the College are required to adhere to any specific conditions or restrictions required by the licensing

agreements for software programs purchased or licensed with College funds. In addition, the following general conditions apply:

1. It is illegal to copy a software program, such as but not limited to Office Applications Tools or Suites, Database Processing Tools, Anti-Virus Utilities, or Operating Systems, and install that single program for simultaneous use on more than one machine except where specifically licensed otherwise.
2. Unauthorized copies of software programs may not be used knowingly on College equipment. This applies even though the individual may not have made the illegal copy.
3. Employees and students of the college are prohibited from making, assisting in making, or knowingly using illegal copies of software on college equipment.
4. Employees and students of the college are permitted to make an archival (i.e., back-up) copy of a software program unless prohibited by the software licensing agreement, but any copy so created must be used solely for archival purposes and all archival copies of a particular computer program must be destroyed if the continued possession of that computer program ceases to be rightful.

Under U.S. copyright law, unauthorized software duplication constitutes "copyright infringement" and is punishable by a fine of up to \$250,000 and imprisonment for up to five years. Federal law also permits the recovery of "actual damages" sustained by the copyright owner, based on the number of copies produced. However, even if the copyright owner is unable to prove "actual damages", it may be entitled to "statutory damages" ranging up to \$100,000 for willful copyright infringement.

###



## Redline

### Policy II.B.6: Acceptable Use Policy for Interactive Systems

In support of its mission, Erie County Community College ~~provides access to computing and information resources for students, faculty, staff, members of the Board of Trustees and other parties that may be given access to the College's interactive systems within institutional priorities and financial capabilities. Interactive systems are defined as those devices that are connected to the College network infrastructure whether directly or remotely. This is to include all equipment connected to the College network for the use of data transmission or processing using the College infrastructure. Remote connection may be accomplished via dial-in, VPN or other secure methods.~~

~~All members of the College community who use the College's computing and information resources are responsible to safeguard the integrity of these resources, respect the rights of other computing users, and abide by all pertinent license and contractual agreements. It is the policy of Erie County Community College that all members of its community act in accordance with these responsibilities, any relevant laws and contractual obligations, and the highest standard of ethics and integrity.~~

~~Social networking services/sites can provide a virtual community external to the College. Members create their own online "profile" with biographical data, pictures, likes, dislikes and any other information they choose to post. They communicate with each other by voice, chat, instant message, videoconference and blogs, and the service typically provides a way for members to contact friends of other members. Examples include but are not limited to Facebook, LinkedIn, Instagram, etc.~~

~~The use of information technology must remain in keeping with the philosophy and mission of Erie County Community College. Users' must abide by this and any other relevant policies, procedures and guidelines.~~

~~The College also recognizes federal, state, and local laws in regard to copyright, privacy, or any other statutes that relate to the online environment, as binding upon users of the College's interactive system as well as employees identifying an affiliation with the College when using any social networking service.~~

~~erie County Community College's interactive systems are intended for use as an educational tool, and as such supports the teaching, learning, research, community engagement and campus activities of the College community and facilitates the management of administrative functions. The College, therefore, provides students, faculty and staff and others access to the technology resources and interactive systems of the College. This policy applies to all users of the College system and any others to whom the College wishes to make the system available.~~

~~The College makes no guarantees of any kind, either express or implied, that the functions or the services provided by or through the College's system will be error-free or without defect. The College will not be responsible for any damage users may suffer, including, but not limited to, loss of data or interruptions of service. The College is not responsible for the accuracy or quality of the information obtained through or stored on the system. The College will not be responsible for financial obligations arising through the unauthorized use of the system.~~

~~The College's Director of Information Technology will oversee the College's system by working with other College officials, government agencies and appropriate regional, state and national organizations as necessary.~~

~~The use of the College's interactive systems is a privilege, not a right, and inappropriate use can result in a termination or suspension of some or all of those privileges. Users will be expected to abide by generally accepted rules of network etiquette.~~

#### Privacy

~~While the College does not intend to routinely review the contents of files on the system, the College will engage in routine maintenance and monitoring of the system. Accordingly, system users should have no expectation of privacy using the College's system, including personal e-mail messages and other data files.~~

~~Routine maintenance and monitoring of the system may lead to the discovery that a particular user has or is violating the College's Acceptable Use Policy, or applicable law. The College will cooperate fully with local, state, and federal officials in any investigation concerning or relating to any illegal activities conducted through the College system.~~

~~An individual search will be conducted if there is reasonable suspicion that a user has violated the law or the College's Acceptable Use Policy. The nature of the investigation will be reasonable and in the context of the nature of the alleged violation.~~

~~College employees should be aware that their personal files (including personal e-mail messages) may be discoverable in court or agency proceedings and possibly elsewhere.~~



~~Use of the College system to access or attempt to access student or employee information for any use not job-related violates College policy along with state and federal laws. Confidential information, whether it relates to students, employees, or others shall not be disclosed or distributed using the College system or by employees identifying an affiliation with the College when using any social networking service. Exceptions are activities which are in accordance with College policy and federal laws, such as the Family Education Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA) and Gramm-Leach Bliley Act. Federal Laws pertaining to confidentiality of information can be accessed by each federal law's web site.~~

~~Users must not post, transmit, re-post, or re-transmit private information about another person or organization on the College's system without first obtaining the permission of that person or organization.~~

~~Employees are prohibited from using a College provided or personal cell phone or Smartphone camera or video recorder to take, transmit, download, or upload to social networking or video sites either for business reasons or for non-business purposes any photos or videos of College employees, vendors, officials or students without their consent.~~

### **Unacceptable Use**

~~Under no circumstances may users attempt to gain unauthorized access to the College's interactive system or to any other computer system through the College's system, or to go beyond their authorized access. This includes attempting to log in through another person's account or accessing another person's files.~~

~~Users must not make deliberate attempts to disrupt the College's computer systems' performance or destroy data by introducing or spreading computer viruses or by any other means.~~

~~Users must not use the College system to access material that advocates illegal acts, or that advocates violence or discrimination towards other people.~~

~~Employees identifying an affiliation with the College may not post content or conduct activities that fail to conform to local, state, and federal laws when using any social networking services.~~

~~Under no circumstances will users access the College system to engage in any other illegal act.~~

### **System Security**

~~Users are responsible for the use of their individual account and must take all reasonable precautions to prevent others from being able to access or use their account. Under no conditions should a user provide his/her password to another person.~~

~~Users must immediately notify the system administrator if they have identified a possible security problem. Users will not attempt to investigate or correct a security problem. Such activity may be construed as an illegal attempt to gain access. Users must not knowingly post, transmit, re-post or re-transmit information on the College's system that, if acted upon, could spread a virus, cause damage or a danger of disruption.~~

### **Inappropriate Language**

~~Members of the College community, as individuals and groups, have the right to exercise their full freedom of expression and association. The College neither sanctions nor censors individual expression of opinion on its systems. The College is committed to creating an educational environment that is free from intolerance directed towards individuals or groups. Respect for rights, privileges, and sensibilities of each other are essential in preserving the College community. There is a wide range of material available on the Internet, some of which may conflict with the particular values of students and employees. The College cannot accept responsibility for any individual user's accessing offensive materials through its computer systems.~~

~~Users must not engage in libel, slander, or harassment in violation of College policies, or the use of threatening language.~~

~~Users must not knowingly or recklessly post, transmit, re-post, or re-transmit false or defamatory information about a person or organization on the College's system.~~

~~The College discourages the use of language that embarrasses or intimidates others.~~

### **Inappropriate Activities**

~~Users must not use the College system to access material that is profane or obscene (including pornography). For students, a special exception may be made for potentially inappropriate material if the purpose of such activity is to conduct research and access is approved by the instructor. College employees may access the above material only in the context of legitimate research. Users must not look at, copy, alter or destroy anyone else's personal files without express permission. The ability to access a file or other information does not imply permission to do so.~~

~~Users may not use the College system for commercial purposes, defined as offering or providing goods or services for sale or barter to others or purchasing goods or services for personal profit. The College acquisition policies will be followed for purchasing online any goods or services for the College.~~



~~Users may not use the system for political lobbying, that is, to express their opinion on political issues to their elected representatives, or to urge others to do so, unless this communication is in support of the academic mission of the College. Students may also use the system to express their opinions to elected officials on political issues if those communications are made in connection with an educational assignment.~~

#### ~~Use of College Name, Logo or Seal~~

~~Users of the College system, as well as employees identifying an affiliation with the College when using any social networking service, may not use the College's name, logo, or seal in their Pages in any way that implies College endorsement of other organizations, products or services, without first obtaining written permission from the College. Users may not use College logos or trademarks, including the College seal, without first obtaining written permission from the College.~~

#### ~~Social Networking~~

~~Employees identifying an affiliation with the College when using electronic social networking services are also bound by all provisions of this policy.~~

~~The College recognizes that some employees may, for personal reasons, access, view, operate, and post, download, or upload content to external social networking sites and video sites on their own time via their own computer equipment.~~

~~Employees identifying an affiliation with the College when using electronic social networking services must post the following disclaimer: "The opinions expressed on this social networking profile (video site) are my own personal opinions. They do not reflect the opinions of my employer, Erie County Community College."~~

#### ~~Complaints~~

~~Individuals who have a complaint or a grievance on matters related to this policy, should contact the College's Director of Information Technology. The Director of Information Technology will determine the appropriate College office or department to hear and/or investigate the complaint or grievance.~~

provides access to computing, network, and information resources ("interactive systems") to students, faculty, staff, members of the Board of Trustees, and other authorized users. Interactive systems include all devices and technologies that connect to the College's network infrastructure, whether directly or remotely.

Use of the College's interactive systems is a privilege and must align with the College's mission, institutional priorities, and applicable laws. All users are expected to act responsibly, ethically, and lawfully in their use of College resources.

#### **General Principles of Use**

All users of the College's interactive systems shall:

- Safeguard the integrity, availability, and security of College information resources
- Respect the rights, privacy, and access of other users
- Comply with all applicable federal, state, and local laws and regulations
- Adhere to contractual, licensing, and policy obligations
- Uphold the highest standards of ethics and professional conduct

#### **Appropriate and Prohibited Use**

The College's interactive systems are intended to support educational, instructional, research, administrative, and community engagement purposes. Use of these systems must not:

- Involve unauthorized access or exceed authorized privileges
- Disrupt system operations or compromise system security
- Facilitate illegal, fraudulent, or unethical activity
- Violate laws related to privacy, confidentiality, copyright, or intellectual property
- Harass, threaten, defame, or unlawfully discriminate against others

#### **Confidentiality and Privacy**

Users of the College's interactive systems must protect confidential and sensitive information, including student, employee, and institutional data. Access to such information must be limited to legitimate educational or business purposes and handled in accordance with applicable laws and College policies.

The College recognizes and complies with all applicable federal and state confidentiality and data protection requirements, including but not limited to:

- Family Educational Rights and Privacy Act (FERPA)



- Health Insurance Portability and Accountability Act (HIPAA), where applicable
- Gramm-Leach-Bliley Act (GLBA), where applicable

#### **Social Media and External Platforms**

Users identifying an affiliation with Erie County Community College while using social media or external electronic platforms must ensure their conduct complies with applicable laws and College policies and does not misrepresent, harm, or imply unauthorized endorsement by the College.

The College's name, logo, seal, or trademarks may not be used in a manner that implies institutional endorsement without proper authorization.

#### **System Integrity and Security**

Users are responsible for protecting the security of their access credentials and for using College systems in a manner that preserves the confidentiality, integrity, and availability of institutional resources.

#### **Oversight and Authority**

The College retains authority over its interactive systems and reserves the right to manage, protect, and regulate their use in accordance with this policy and applicable law. Oversight of College interactive systems is delegated by the President to appropriate administrative leadership.

#### **Violations**

Violations of this policy may result in loss of access privileges and/or disciplinary action in accordance with applicable College policies, procedures, and contractual obligations, and may include referral to appropriate legal authorities when required.

### **Final**

#### **Policy II.B.6: Acceptable Use Policy for Interactive Systems**

In support of its mission, Erie County Community College provides access to computing, network, and information resources ("interactive systems") to students, faculty, staff, members of the Board of Trustees, and other authorized users. Interactive systems include all devices and technologies that connect to the College's network infrastructure, whether directly or remotely.

Use of the College's interactive systems is a privilege and must align with the College's mission, institutional priorities, and applicable laws. All users are expected to act responsibly, ethically, and lawfully in their use of College resources.

#### **General Principles of Use**

All users of the College's interactive systems shall:

- Safeguard the integrity, availability, and security of College information resources
- Respect the rights, privacy, and access of other users
- Comply with all applicable federal, state, and local laws and regulations
- Adhere to contractual, licensing, and policy obligations
- Uphold the highest standards of ethics and professional conduct

#### **Appropriate and Prohibited Use**

The College's interactive systems are intended to support educational, instructional, research, administrative, and community engagement purposes. Use of these systems must not:

- Involve unauthorized access or exceed authorized privileges
- Disrupt system operations or compromise system security
- Facilitate illegal, fraudulent, or unethical activity
- Violate laws related to privacy, confidentiality, copyright, or intellectual property
- Harass, threaten, defame, or unlawfully discriminate against others

#### **Confidentiality and Privacy**

Users of the College's interactive systems must protect confidential and sensitive information, including student, employee, and institutional data. Access to such information must be limited to legitimate educational or business purposes and handled in accordance with applicable laws and College policies.

The College recognizes and complies with all applicable federal and state confidentiality and data protection requirements, including but not limited to:



- Family Educational Rights and Privacy Act (FERPA)
- Health Insurance Portability and Accountability Act (HIPAA), where applicable
- Gramm-Leach-Bliley Act (GLBA), where applicable

### **Social Media and External Platforms**

Users identifying an affiliation with Erie County Community College while using social media or external electronic platforms must ensure their conduct complies with applicable laws and College policies and does not misrepresent, harm, or imply unauthorized endorsement by the College.

The College's name, logo, seal, or trademarks may not be used in a manner that implies institutional endorsement without proper authorization.

### **System Integrity and Security**

Users are responsible for protecting the security of their access credentials and for using College systems in a manner that preserves the confidentiality, integrity, and availability of institutional resources.

### **Oversight and Authority**

The College retains authority over its interactive systems and reserves the right to manage, protect, and regulate their use in accordance with this policy and applicable law. Oversight of College interactive systems is delegated by the President to appropriate administrative leadership.

### **Violations**

Violations of this policy may result in loss of access privileges and/or disciplinary action in accordance with applicable College policies, procedures, and contractual obligations, and may include referral to appropriate legal authorities when required.

###

## **Redline**

### **Policy II.B.7: Policy for Responsible Computing**

In support of its mission ~~of teaching, learning, research, student support and community engagement~~, Erie County Community College provides ~~access to computing and information resources for students, faculty and staff, within institutional priorities and financial capabilities. All members of the College community as well as visitors and guests who use the College's computing and information resources are responsible for the integrity of these resources.~~

~~All users of College-owned or College-leased computing systems must respect the rights of other computing users, respect the integrity of the physical facilities and controls, and abide by all pertinent license and contractual agreements. It is the policy of Erie County Community College that all members of its community act in accordance with these responsibilities, relevant laws and contractual obligations and the highest standard of ethics and integrity.~~

~~Access to the College's computing facilities is a privilege granted to College students, faculty and staff and some visitors and guests. Access to College information resources may be granted by the designated administrators of the information based on that administrator's judgment of the following factors: relevant laws and contractual obligations, the requester's need to know, the information's sensitivity and the risk of damage to or loss by the College.~~

~~The College reserves the right to limit, restrict or extend computing privileges and access to its information resources. Designated data owners—whether College units, faculty, students or staff—may allow individuals other than College faculty, staff and students access to information for which they are responsible, so long as such does not violate any license or contractual agreement, College policy or any federal, state, county or local law or ordinance. If there are any questions about potential violations, contact the Chief Information Officer of the College.~~

~~College computing facilities and accounts are to be used for College-related activities for which they are assigned. College computing resources are not to be used for commercial purposes or non-College related activities without written authorization from the College. In these cases, the College may require payment of appropriate fees. This policy applies equally to all College-owned or College-leased computers.~~

~~Users and system administrators must all guard against abuses that disrupt or threaten the viability of all systems,~~



~~including those at the College and those on networks to which the College systems are connected. Access to information resources without proper authorization from the data owner, unauthorized use of College computing facilities, and intentional corruption or misuse of information resources are direct violations of this Policy and may subject the violator to disciplinary action.~~ computing and information resources in support of its educational mission. Use of these resources is a privilege and must be consistent with the College's mission, institutional priorities, and available resources.

All users of College computing and information resources are expected to act in accordance with applicable laws, contractual obligations, College policy, and the highest standards of ethics and integrity. Users must respect the rights of others and the integrity and security of College systems and facilities.

The College reserves the right to manage, limit, or revoke access to its computing and information resources. Access to College information resources is permitted only when consistent with institutional purpose, legal and contractual requirements, and risk to the College.

College computing and information resources are intended for College-related purposes. Unauthorized access, misuse, or disruption of these resources is prohibited and may result in disciplinary action.

~~**Users of the College's computing resources or facilities have the following responsibilities**~~

- ~~1. To use the College computing facilities, and information resources, including hardware, software, networks and computer accounts, responsibly and appropriately, respecting the rights of other computing users and respecting all contractual and license agreements.~~
- ~~2. To use only those computers and computer accounts for which authorization has been granted.~~
- ~~3. To use College assigned user accounts only for the purpose(s) for which they have been issued, and to use College owned computers/devices for College related projects only.~~
- ~~4. To refuse to share computer accounts and to take reasonable steps to protect the confidentiality of each account's password, changing it when required and/or once security has been breached.~~
- ~~5. To report unauthorized use of accounts to the appropriate college authority (e.g., project director, instructor, supervisor, system administrator).~~
- ~~6. To cooperate with system administrator requests for information about computing activities. Under certain unusual circumstances, a system administrator is authorized, and reserves the right, to access individual computer files when it is the administrator's opinion that such action is necessary.~~
- ~~7. To take reasonable and appropriate steps to see that all hardware and software license agreements are faithfully executed on any system, network or server operated.~~
- ~~8. To take responsibility seriously for one's own work performed on a computer. For example, ensure data is saved on a network drive to ensure that backup has occurred and to provide security of one's data.~~

~~Access and use violations of computing facilities, equipment, software, information resources, networks or privileges may result in the loss of privileges, disciplinary action and prosecution under appropriate laws.~~

**Final**

**Policy II.B.7: Policy for Responsible Computing**

In support of its mission Erie County Community College provides computing and information resources in support of its educational mission. Use of these resources is a privilege and must be consistent with the College's mission, institutional priorities, and available resources.

All users of College computing and information resources are expected to act in accordance with applicable laws, contractual obligations, College policy, and the highest standards of ethics and integrity. Users must respect the rights of others and the integrity and security of College systems and facilities.

The College reserves the right to manage, limit, or revoke access to its computing and information resources. Access to College information resources is permitted only when consistent with institutional purpose, legal and contractual requirements, and risk to the College.

College computing and information resources are intended for College-related purposes. Unauthorized access, misuse, or disruption of these resources is prohibited and may result in disciplinary action.

###



## Redline

### Policy III.D.2: Reimbursement For Authorized Travel And Business Expenses

#### **I. INTRODUCTION**

Erie County Community College recognizes the necessity for and the intrinsic value in having its employees and trustees participate in meetings, conferences and other activities, which serve the interests of the College. To support these activities, the Board annually approves funding for travel by employees.

#### **II. POLICY**

Erie County Community College ~~employees may be authorized to attend professional conferences, meetings, workshops and seminars at the College's expense and/or during normally scheduled work hours if the purpose of such travel is consistent~~ supports employee and trustee participation in professional activities that align with the College's mission and goals and priorities and if funds to support travel are in the appropriate budget. ~~The College may restrict all travel for health, safety, and/or financial reasons.~~ Reimbursement for related travel and business expenses may be provided when such activities are pre-approved and budgeted.

#### **III. PROCEDURE**

##### **A. Authorization**

- ~~1. The respective supervisor is authorized to permit personnel to travel at College expense if the purpose of such travel is in accordance with the mission, goals and priorities of the College and if funds are available in the appropriate budget for such travel. A Travel Authorization Form must be completed by the person requesting approval for all travel explaining the purpose of the travel, potential benefit to the College, and projected expenses.~~
- ~~2. Travel by Trustees must be approved by the Chair of the Board or, in the absence of the Chair, the Vice Chair of the Board. Travel funds for Board members must be in the budget of the President.~~
- ~~3. Travel costs and any interference with performance of duties must be justified by offsetting benefit to the College~~
- ~~4. The mode of travel selected shall be that which is most practical and economical.~~
- ~~5. All travel outside the City of Erie requiring a hotel stay requires the prior written approval of the supervisor and Vice President or President.~~

##### **B. Initiating the Travel Request**

~~All employees requesting travel authorization must complete the Travel Authorization Request form and submit it to their Supervisor and other authorized approver for approval. All Trustees must complete the Travel Authorization Request form and submit to the Chair of the Board (or Vice Chair) for approval. No form will be considered complete unless all required signatures for authorization have been obtained. The travel authorization form should be submitted as soon as possible but no later than ten (10) business days prior to the travel date. Any waiver of the time frame for submission requires approval of the Vice President.~~

##### **C. Making Travel Arrangements**

- ~~1. Travel arrangements should be made by the traveler with exception of vehicle rentals. The Controller will assist with arrangements for hotel, rail and airfare. The Controller may have discount contract rates available to employees or trustees. Conference registration is to be arranged by the traveler.~~
- ~~2. Traveler must select the lowest possible coach airfare or train fare that meets the business needs of the College.~~
- ~~3. If the traveler's plans change and the airline ticket is no longer of use, the traveler must immediately contact the Controller. If the ticket has value, it must be used for College business only.~~
- ~~4. Transportation to and from airports and train stations~~
  - ~~a. Travelers must use the most practical and economical mode of ground transportation to and from airports and train stations (e.g., hotel and airport shuttle services, shared ground transportation, etc.).~~
  - ~~b. Travelers must use the most practical and economical mode of ground transportation to and from their residence. Shuttle service is permitted if it is the most cost effective method.~~
- ~~5. If the traveler takes an indirect route for other than a college business purpose, or interrupts a direct route of travel, the traveler is responsible for all costs above and beyond those that would have been incurred by traveling the direct route.~~
- ~~6. Vehicle Rental~~
  - ~~a. Rentals must be arranged by the Controller.~~
  - ~~b. If driving is the most efficient and cost-effective mode of travel and a rental car is utilized, the rental should be an appropriately sized vehicle.~~



- c. ~~If a rental accident occurs, the traveler should immediately contact:
  - i. ~~the vehicle rental company, in accordance with the company's requirements for reporting accidents;~~
  - ii. ~~local authorities, as required;~~
  - iii. ~~his/her supervisor;~~
  - iv. ~~the Controller (no later than 24 hours).~~~~
- d. ~~The College will not provide reimbursement if the rental is not arranged by the Controller.~~

#### 7. ~~Personal Vehicles~~

- a. ~~If the approved mode of travel is by personal automobile, the traveler will be reimbursed based on the IRS allowable reimbursement rate for business miles plus expenses related to tolls and parking. Business miles are based on the most direct route. At the conclusion of the trip, the traveler must complete the Travel Reimbursement Form indicating the expenses associated with the travel and a Check Request Form and submit it to the Controller's Office along with all accompanying receipts for which reimbursement is sought. The traveler will be responsible for all fuel, towing and maintenance costs related to his/her private automobile and for carrying adequate personal insurance coverage for his/her vehicle and occupants.~~
- b. ~~A traveler should review his/her personal insurance coverage prior to using his or her vehicle for college business and consult with his/her insurance agent to determine appropriate coverage. The traveler's insurance is the primary insurance coverage when using a personal vehicle for travel related to College business. The traveler must provide proof of insurance with the Travel Authorization Request form if driving their own vehicle.~~
- c. ~~The College will not provide reimbursement for repairs to personal cars, even if the costs result from college business travel or travel between the personal residence and regular work location of traveler.~~
- d. ~~If a personal car is involved in an accident while on College business travel, the traveler should immediately contact:
  - i. ~~his/her insurance company;~~
  - ii. ~~local authorities, as required;~~
  - iii. ~~his/her supervisor;~~
  - iv. ~~the Controller.~~~~

#### 8. ~~Lodging~~

- a. ~~When attending a conference, all attempts should be made to reserve rooms at the conference site. If that is not possible, reservations will be made at the closest hotel charging at or below the federal rate for lodging. See maximum lodging rates for all U.S. States, territories, and possessions established by the U.S. General Services Administration for allowable lodging expenses (<http://gsa.gov/portal/category/100120>).~~
- b. ~~Travelers are encouraged to make their own hotel arrangements. However, in the event that the Controller's Office will issue a check for the cost of the hotel stay, all checks will be made payable to the hotel and it will be the responsibility of the traveler to submit the request for payment to the Controller in a timely fashion so it can be mailed to the hotel. Check pick ups cannot be permitted for travel. Upon checkout, the hotel will issue the traveler a receipt indicating the applicable room rate and the total amount charged for the stay. The hotel receipt and related documentation must be submitted to the Controller's Office immediately upon return from travel.~~
- c. ~~Upon arrival at the hotel, the traveler must use their own method of payment (e.g. personal credit card) to guarantee payment for any charges above the negotiated room fee (e.g. pay per view, personal telephone calls, and in-room bar, dining to the extent in excess of the meal allowance below, among others).~~
- d. ~~The traveler is responsible for canceling hotel room reservations when necessary. The traveler must request and record the cancellation number in case of billing disputes. Cancellation deadlines are based on the location of the property (e.g., Pacific Time Zone when the property is in California). Expenses incurred as a result of a failure to cancel a hotel reservation are the responsibility of the traveler. The Vice President or President may authorize exceptions to the traveler's responsibility of expenses related to a lodging "no show" based on an approved written explanation indicating the reason/s for the failure to cancel the reservation in a timely manner.~~

#### 9. ~~Meals~~

- a. ~~The maximum per diem meal allowance for each full day of travel is established by the U.S. General Services Administration for allowable meal expenses (<http://gsa.gov/portal/category/100120>). Detailed, itemized receipts for meals including names of attendees and business purpose are required. The College will only reimburse traveler's meals that are not otherwise paid for or provided. Therefore, the College will~~



~~not reimburse breakfast, lunch, or dinner if provided as part of the conference, meeting, or other business activity necessitating the travel. Without exception, the College will not reimburse the traveler or pay for any expenses related to alcoholic beverages.~~

~~10. Tips~~

~~The maximum per diem tip allowance is \$10 per day exclusive of meals and transportation. This includes tips for baggage handling, room service, hotel maid service, etc. Receipts for tips are not required. However, tipping for meals may not exceed 20%.~~

~~11. Group Travel~~

~~Group Travel should be made through the Controller~~

~~a. The sponsoring College department must provide a list of traveler names to Human Resources.~~

~~12. International Travel~~

~~a. Currency Exchange~~

~~When charges are in foreign currencies, travelers must:~~

- ~~i. Submit foreign expenses in U.S. dollars using the exchange rate in effect during the dates of travel;~~
- ~~ii. Include documentation indicating the exchange rates used to make the conversions; and~~
- ~~iii. For purchases made with a credit card, use the exchange rates provided by the credit card company for purchases made with a credit card.~~

**~~D. Reimbursable and Non-Reimbursable Expenses~~**

~~It is the responsibility of the traveler to obtain original itemized receipts for all allowable expenses. The Controller will not reimburse the traveler for any costs without an itemized receipt. Only authorized costs, accompanied by the appropriate receipt, will be reimbursed. It is suggested that the traveler call the Controller if they are unsure whether an expense will be covered.~~

~~The following are examples of reimbursable and non-reimbursable expenses for College approved travel:~~

- ~~1. Wi-Fi if required for College business; meals; tolls; transportation to and from the airport; telephone calls related to official College business only; conference registration expenses; or other expenses associated with the travel, so long as the expense is essential to the transaction of College business and in accordance with the limits outlined in this policy.~~
- ~~2. The following are examples of expenses not allowed for reimbursement: Alcoholic beverages, hotel gyms, mini-bars, in-room movies, entertainment, laundry, vehicle fines, and personal phone calls.~~
- ~~3. Travel Expense Reports must be submitted to the Controller's Office within 10 business days of the return from travel.~~
- ~~4. Cash advances will not be provided unless a hardship can be demonstrated. Approval by the Vice President is required.~~

**~~E. Timing of Event and Reimbursement~~**

~~Reimbursements for meals, lodging and other expenses will normally be limited to expenses incurred during the day(s) of the meeting, conference or other business activity attended by the traveler. Expenses incurred on additional days may be reimbursed if extending the period results in reduced airfare sufficient to cover the additional meals, lodging and other expenses or it is not possible to arrive and/or depart on the day(s) of the meeting, conference or other business activity attended by the traveler.~~

**~~F. Partial Reimbursement~~**

- ~~1. If expenses are partially covered by another organization, the College may accept copies of receipts in place of originals. The voucher must include the name of the organization that is paying the partial reimbursement, what is being reimbursed, and the amount reimbursed.~~
- ~~2. If any meal is provided by the conference, hotel, or any other source, the traveler should reduce the per diem meal allowance by the amount allowed.~~
- ~~3. The per diem allocation for meals, which is intended to cover breakfast, lunch, and dinner for each full day of travel is located at (<http://gsa.gov/portal/category/100120>).~~

**~~G. Other Means of Transportation~~**

~~The College may provide reimbursement for other commercial means of transportation such as train or bus. However, reimbursements must not exceed the cost of reasonable coach airfare or other reasonable transportation costs to the~~



~~same destination.~~

#### **~~H. Personal Travel Combined with Business Travel~~**

~~The College will only reimburse for the business portion of a trip. The traveler must provide evidence to support the business portion of the trip and the allocation between the business and personal expenses. A quote for the business-related travel must be obtained at the time of ticketing to document the incremental costs that will be treated as personal expenses. This quote must be submitted along with the Travel Request form.~~

#### **~~I. Reimbursement Payment~~**

- ~~1. The Controller will generally send reimbursements of approved expenses to employees within fifteen business days of the receipt of the official Travel Form, along with all accompanying receipts. Forms submitted for travel reimbursement must be signed by the supervisor, or President.~~
- ~~2. Willful violations of this policy, including falsification of expense reports, will be grounds for disciplinary action, up to and including denial of requested reimbursements and/or termination of employment.~~

#### **~~J. Recruitment~~**

~~The payment for travel of prospective employees and their families must receive prior written approval by the President or by the Board of Trustees if the recruitment is for the position of President.~~

#### **~~K. Travel Between Sites Using Personal Vehicles~~**

~~Authorized travel for operational purposes may be reimbursed.~~

#### **~~L. Local Travel~~**

- ~~1. Entertainment Expense  
Entertainment expenses are limited to Board of Trustees and the President incurred in connection with their job responsibilities. Local entertainment expenses may be incurred while conducting ordinary and necessary business for the College such as fundraising, public relations activities and other College events. Expenses may include meals, transportation, parking, tolls, meeting rooms and conference facilities. Business meals that include charges for alcoholic beverages incurred by a member of the President's Cabinet or Board of Trustees must be properly approved by the President and separately itemized on meal receipts. Alcohol charges are unallowable for sponsored projects (grants). Alcoholic beverages for entertainment functions held in Pennsylvania must be purchased in Pennsylvania.~~
- ~~2. Business Expense  
Local business expenses include local conference or seminar fees, meals, parking fees and other out-of-pocket expenses while attending local workshops or business meetings. Approval of local business expenses will follow Section III A.1.~~

#### **Eligibility**

Authorized travel may include conferences, meetings, workshops, seminars, or other business-related activities. All travel must serve a clear benefit to the College.

#### **Conditions**

- Travel must be reasonable and cost-effective.
- The College may restrict travel based on health, safety, or financial considerations.
- Only actual, necessary, and approved expenses will be reimbursed.
- Alcohol and other non-essential or personal expenses are not reimbursable.
- The College reimburses for business-related expenses only; personal travel portions will not be covered.
- Travel reimbursements are generally limited to the duration of the approved event.

#### **Documentation Requirements**

Reimbursement requires submission of itemized receipts and appropriate approvals. Incomplete or unsupported claims may not be reimbursed.

#### **Limitations**

- Reimbursement rates for lodging, meals, and mileage follow federal guidelines.
- The College does not reimburse for personal vehicle repairs, insurance costs, or fines.
- All reimbursements are subject to final review and approval.

#### **M. Other**

#### **Exceptions**



~~Any Exceptions to this policy are subject to the approval of the~~ must be approved by the President.

**Final**

**Policy III.D.2: Reimbursement For Authorized Travel And Business Expenses**

Erie County Community College recognizes the necessity for and the intrinsic value in having its employees and trustees participate in meetings, conferences and other activities, which serve the interests of the College. To support these activities, the Board annually approves funding for travel by employees.

Erie County Community College supports employee and trustee participation in professional activities that align with the College's mission and goals. Reimbursement for related travel and business expenses may be provided when such activities are pre-approved and budgeted.

**Eligibility**

Authorized travel may include conferences, meetings, workshops, seminars, or other business-related activities. All travel must serve a clear benefit to the College.

**Conditions**

- Travel must be reasonable and cost-effective.
- The College may restrict travel based on health, safety, or financial considerations.
- Only actual, necessary, and approved expenses will be reimbursed.
- Alcohol and other non-essential or personal expenses are not reimbursable.
- The College reimburses for business-related expenses only; personal travel portions will not be covered.
- Travel reimbursements are generally limited to the duration of the approved event.

**Documentation Requirements**

Reimbursement requires submission of itemized receipts and appropriate approvals. Incomplete or unsupported claims may not be reimbursed.

**Limitations**

- Reimbursement rates for lodging, meals, and mileage follow federal guidelines.
- The College does not reimburse for personal vehicle repairs, insurance costs, or fines.
- All reimbursements are subject to final review and approval.

**Exceptions**

Any exceptions to this policy must be approved by the President.

###

**Redline**

**Policy VI.A.2: Contracting Practices and Management**

A contract is defined as any document that contains an agreement between the College and an external party which imposes any obligation on the College, provides a benefit to the College, or affects the College's rights, whether or not there is an exchange of funds between the College and the external party. A contract also may be called: an agreement, memorandum of understanding (MOU), memorandum of agreement (MOA), letter of intent, letter of agreement, license, lease, etc. This policy also includes any amendment, addendum, modification, correction, renewal, or extension of a contract.

**~~Contract Review~~**

~~All contracts should be initiated well in advance of the date the contract will start.~~ All contracts must comply with the College's Conflicts of Interest Policy (III.E.4: Conflicts of Interest). All contracts must be reviewed by the Vice President of the Unit in which they originate or his or her designee. Contracts should also be reviewed with the Vice President of any other affected Unit. All contracts should be reviewed by the College's legal counsel. Contracts which involve the purchase of goods or services of ~~\$10,000-\$50,000~~ or more must be ~~reviewed~~ authorized and executed by the ~~Vice~~ President of ~~Business, Finance and Administration~~ or his or her designee. Contracts Requiring Specific Board Authorization (VI.A.4: Purchases and Contracts Requiring Specific Board Authorization) must be authorized by the Board of Trustees.

**Contract Approval and Authorized Signatures:**

Contracts which are reviewed by the appropriate individuals in accordance with this policy and which otherwise comply



with applicable College policies may be approved and executed only as follows:

- Contracts equal to or more than ~~\$10,000~~ \$50,000 (in cost or revenue) must be approved and executed by the President of the College or his or her designee
- Contracts ~~of~~ less than ~~\$10,000~~ \$50,000 (in cost or revenue) must be approved and executed by the Vice President ~~for~~ of the ~~Unit~~ Department responsible for implementation of the contract (the originating unit) or his or her designee;
- All articulation agreements and Federal or Commonwealth of Pennsylvania grant contracts must be signed by the President or the Vice President designated in his or her absence

**Approval and Signature Procedure:**

Contracts must be submitted to the designated ~~Administrator~~ authorized individual for signature.

**Final Contracts:**

All fully executed contracts must be retained consistent with the College's Records Management and Retention Policy (VI.B.1).

**Final**

**Policy VI.A.2: Contracting Practices and Management**

A contract is defined as any document that contains an agreement between the College and an external party which imposes any obligation on the College, provides a benefit to the College, or affects the College's rights, whether or not there is an exchange of

funds between the College and the external party. A contract also may be called: an agreement, memorandum of understanding (MOU), memorandum of agreement (MOA), letter of intent, letter of agreement, license, lease, etc. This policy also includes any amendment, addendum, modification, correction, renewal, or extension of a contract.

All contracts must comply with the College's Conflicts of Interest Policy (III.E.4: Conflicts of Interest). All contracts must be reviewed by the Vice President of the Unit in which they originate or his or her designee. Contracts should also be reviewed with the Vice President of any other affected Unit. All contracts should be reviewed by the College's legal counsel. Contracts which involve the purchase of goods or services of \$50,000 or more must be authorized and executed by the President or his or her designee. Contracts Requiring Specific Board Authorization (VI.A.4: Purchases and Contracts Requiring Specific Board Authorization) must be authorized by the Board of Trustees.

**Contract Approval and Authorized Signatures:**

Contracts which are reviewed by the appropriate individuals in accordance with this policy and which otherwise comply with applicable College policies may be approved and executed only as follows:

- Contracts equal to or more than \$50,000 (in cost or revenue) must be approved and executed by the President of the College or his or her designee,
- Contracts less than \$50,000 (in cost or revenue) must be approved and executed by the Vice President of the Department responsible for implementation of the contract (the originating unit) or his or her designee;
- All articulation agreements and Federal or Commonwealth of Pennsylvania grant contracts must be signed by the President or the Vice President designated in his or her absence

**Approval and Signature Procedure:**

Contracts must be submitted to the designated authorized individual for signature.

**Final Contracts:**

All fully executed contracts must be retained consistent with the College's Records Management and Retention Policy (VI.B.1).

###



**Redlined**

**Policy VI.A.4: Purchases and Contracts Requiring Board Authorization**

~~The Board of Trustees assumes the ultimate responsibility for the operation of the College, the prudent use of its resources, and for maintaining productive and supportive relations with regulatory and funding agencies. In exercising its responsibility to the public, t~~The Erie County Community College Board of Trustees approves the annual budget prior to the start of each fiscal year. In addition to approving the aggregate budget plan, the Board will specifically approve certain types of expenditures and contractual relationships. These specific approvals may occur either as a part of the annual budget adoption process or as individual items brought to the Board during the course of the fiscal year.

**The following financial transactions require specific Board approval:**

- ~~• *Development of New or Modified Facilities*—Any program for the development or modification of a college facility and associated equipment Contracts or procurements with a total project value of fifty thousand dollars (\$50,000) or greater requires approval by the Board before it is authorized by the College administration.~~
- ~~• *Construction Change Orders*—Any construction change order with a unit value of fifty thousand dollars (\$50,000) or greater.~~

~~Normally the construction change order should be approved by the Board before it is authorized by the College administration.~~

~~If a postponement in approving a change order would seriously delay an essential project or create an exposure to contractor claims for delay of project, and if the change order can be accommodated within available construction dollars, then the President after consulting with and receiving approval from the Chair of the Board, may authorize proceeding with the change order with the understanding that the change order will be presented to the Board at its next scheduled meeting.~~

- ~~• *Capital Purchases or Leases*—Any single item or combination of complementary capital items with an annual cost of fifty thousand dollars (\$50,000). This includes both property leases and capital purchases.~~
- ~~• *Capital Write-Offs*—Disposal of capital equipment and other real property with an original acquisition price of fifty thousand dollars (\$50,000) or greater.~~
- ~~• *Real Estate Acquisition*—All acquisition of real estate including land and buildings. Potential real estate gifts to the College must be formally accepted by the Board before title to the property is transferred.~~
- ~~• *Debt Obligations*—Any agreements to borrow funds on behalf of the College. This includes both long-term debt such as bonds and mortgages as well as short-term borrowing for operating purposes.~~
- ~~• *Accounts Receivable Write-Offs*—Payments from any one source due to the College with a book value of twenty five thousand dollars (\$25,000) or greater for which staff believe there is no basis to expect payment.~~
- ~~• *Professional and Other Services*—Engagement of professional and any other service, regardless of type, with an expected annual expense or revenue volume of fifty thousand dollars (\$50,000) or greater, requires Board approval. Purchase of other services with an expected value less than \$50,000 whose costs are contained within the approved college budget may be authorized by the President or his or her designee.~~
- *Renewals, Extensions and Change Orders for Professional and Other Services*
  - o Contract renewal options, if presented to the Board at the time of initial award with a stated dollar value, do not require a subsequent Board approval.
  - o Contract extensions of a twelve-month duration or less do not require Board approval unless the annualized value of the extension exceeds 110% of the annual value of the expiring contract. No more than two (2) twelve-month extensions are permitted without approval by the Board of Trustees.
  - o Change orders to contracts for professional or other services that cause the value of a contract to exceed \$50,000 require that the modified contract be approved by the Board of Trustees. If a postponement in approving a change order would seriously delay an essential project, then the President may authorize proceeding with the change order, after consulting with and receiving approval from the Chair of the Board, with the understanding that the modified contract will be presented to the Board at its next scheduled meeting.



**Final**

**Policy VI.A.4: Purchases and Contracts Requiring Board Authorization**

The Erie County Community College Board of Trustees approves the annual budget prior to the start of each fiscal year. In addition to approving the aggregate budget plan, the Board will specifically approve certain types of expenditures and contractual relationships. These specific approvals may occur either as a part of the annual budget adoption process or as individual items brought to the Board during the course of the fiscal year.

**The following financial transactions require specific Board approval:**

- Contracts or procurements of fifty thousand dollars (\$50,000) or greater requires approval by the Board before it is authorized by the College administration.
- *Renewals, Extensions and Change Orders for Professional and Other Services*
  - o Contract renewal options, if presented to the Board at the time of initial award with a stated dollar value, do not require a subsequent Board approval.
  - o Contract extensions of a twelve-month duration or less do not require Board approval unless the annualized value of the extension exceeds 110% of the annual value of the expiring contract. No more than two (2) twelve-month extensions are permitted without approval by the Board of Trustees.
  - o Change orders to contracts for professional or other services that cause the value of a contract to exceed \$50,000 require that the modified contract be approved by the Board of Trustees. If a postponement in approving a change order would seriously delay an essential project, then the President may authorize proceeding with the change order, after consulting with and receiving approval from the Chair of the Board, with the understanding that the modified contract will be presented to the Board at its next scheduled meeting.

###

**Redlined**

**Policy VI.A.5: Expenditure Approval Requirements**

The purpose of this policy is to define institutional approval levels which are required for institutional expenditures.

~~Expenditures on behalf of the College fall into six categories:~~

- ~~I. Petty cash~~
- ~~II. Operating budget expenditures~~
- ~~III. Capital budget expenses~~
- ~~IV. Facilities (project) development~~
- ~~V. External agreements~~
- ~~VI. Grant Expenditures~~

~~Approval requirements for expenditures in each of these areas are discussed below.~~

~~**I. Petty Cash Expenditures**~~

~~Internal financial control procedures, as well as the requirements of outside auditors, specify that College personnel should not approve their own petty cash expenditures. To conform with this principle, the following hierarchy of petty cash expenditure approval is indicated:~~

- ~~a. Petty cash vouchers must be approved by those responsible for specific organizational units for expenditures incurred within their area of responsibility.~~
- ~~b. Expenditures must be approved by a supervisor.~~
- ~~c. The expenditures of Senior Officers must be approved by the President or designee.~~
- ~~d. In every case possible, proof of expenditure should be provided at the time petty cash accounts are reconciled. For out-of-pocket expenditures greater than fifty dollars (\$50), a check request form must be used. College employees are encouraged to use the check request process as a means of reimbursement for personally incurred expenses incurred on the College's behalf.~~



~~e. The College may deny reimbursement if a petty cash voucher is not submitted within 45 days of the out-of-pocket expenditure date.~~

**II. Operating Budget Expenditures**

~~Trustee approval of the operating budget is approval to effect the programs contained therein. Within the guidelines provided below, the Organizational unit manager is authorized to undertake the expenditures contained within the approved budget plan.~~

~~All supplies and other goods or services (except small dollar value equipment repair, memberships, subscriptions, capital items or travel) should be requisitioned using a College approved requisition. Equipment and property leases should be coordinated with the Controller to ensure compliance with Commonwealth regulations. All purchase requisitions must be approved by an Organizational unit Manager, their Supervisor, or the Senior Officer. Under no circumstances should an approved signature or electronic authorization be provided by anyone other than the responsible individual.~~

~~Organizational unit Cost Center Managers are authorized to approve all operating expenditures to a level of \$1,000. A lower approval threshold may be requested by a supervisor.~~

~~Deans and Directors are authorized to approve all operating expenditures to a level of \$5,000. A lower approval threshold may be requested by their Senior Officer.~~

Senior Officers are authorized to approve all operating expenditures to a level of \$10,000.

~~Change order requests to existing Purchase Orders are to be prepared on a paper Purchase Requisition Form and require the following information:~~

- ~~a. Original Purchase Order Number~~
- ~~b. Description/Reason for the change request~~
- ~~c. Dollar Amount of requested change~~
- ~~d. Dollar Amount of original purchase order~~
- ~~e. Total Amount of Purchase order including the change order amount~~

~~Any purchase requisition expenditures with a value of \$10,000 or greater must be approved by the President. This includes requests for change orders which, when added to the original purchase order value, will cause the cumulative value of the purchase order to exceed \$10,000.~~

~~No commitment may be made involving consulting services where the commitment within any fiscal year will exceed \$10,000 without presidential approval.~~

**III. Capital Expenditures**

A Capital Expenditure is defined as an expenditure for the purchase of land, building, equipment, software, machinery, furniture and fixtures, etc. where the unit cost of an individual item is \$4,000 or greater and the expected life of the item exceeds one year.

~~Furniture and fixture expenditures related to the outfitting of complete rooms, where the unit cost of individual items are less than~~

~~below the \$4,000 may be considered treated as capital expenditures when, in the judgement of management, the items are material in nature, are components of a larger capital project, or their inclusion as assets is necessary for accurate financial reporting under certain circumstances. The Controller must be contacted for a decision on these situations.~~

- ~~A. Capital budget expenditures of less than ten thousand dollars (\$10,000), which are reflected in approved line item budgets, require approval by the Organizational unit Manager, the unit supervisor (e.g. Dean) and the Senior Officer. Any capital item not included in the approved capital budget and any requisition \$10,000 or greater also require the approval of the President.~~

~~Requisition for items not included in the approved capital budget must be accompanied by an explanatory memo and budget adjustment form, if needed, showing the source of funding that will be used to pay for the unbudgeted capital item. In situations where the College has deferred approving a capital budget, all requisitions require the approval of the President and must be accompanied by an explanatory memo and a budget adjustment form.~~

- ~~B. Any single capital item or combination of complementary items with a value of fifty thousand dollars (\$50,000) or greater requested for purchase requires the approval of the Board of Trustees. Written justification for such purchases should be presented to the Vice President for Business, Finance and Administration along with the purchase requisition for budgetary review and placement on the agenda of the Board.~~



~~C. Normally the budget plan approved by the Board will contain a line item capital budget. Board adoption of the annual budget constitutes authority to proceed with the purchase of all capital items itemized in the budget. However, since the Commonwealth decisions with respect to the level of capital funds that will be made available are frequently delayed, authorization to~~

~~Organizational unit managers to begin to purchase capital items in an approved budget may be delayed pending a release of stated dollars for capital purchases.~~

**~~II. Facilities (Project) Development~~**

~~Any program for development or modification of College-owned facilities and equipment involving the use of bond or loan proceeds or other special capital funding source requires the approval of the Board of Trustees. Written justification for such development along with the purchase requisition and planning documents, approved by the President, must be presented to the Vice President for Business, Finance and Administration for placement on the agenda of the Board.~~

~~All College development projects with a value of fifty thousand dollars (\$50,000) or greater must have prior Board approval.~~

**~~III. External Agreements~~**

~~Agreements involving the College in contractual arrangements with other institutions or agencies may not be made without approval of the President or his or her designee.~~

**~~IV. Grant Expenditures~~**

~~In addition to the above requirements, approvals for grant expenditures are determined by the Controller Chief Financial Officer in order to comply with the requirements of the grantor. Each grant will be assigned a financial administrator who will adhere to the approval processes determined by the Controller Chief Financial Officer.~~

**~~IV. Designation of Signature Authority~~**

~~Occasionally, because of vacations or absences from campus, it will be necessary for someone other than the Organizational unit managers to authorize expenditures. If this occurs, a memo authorizing an alternative signature should be sent to the Controller. No alternative signature for expenditure will be honored unless there is an authorizing memo on file.~~

**Final**

**Policy VI.A.5: Expenditure Approval Requirements**

The purpose of this policy is to define institutional approval levels which are required for institutional expenditures.

**Budget Expenditures**

Cost Center Managers are authorized to approve all expenditures to a level of \$1,000.

Deans and Directors are authorized to approve all expenditures to a level of \$5,000.

Senior Officers are authorized to approve all expenditures to a level of \$10,000.

Any expenditures with a value of \$10,000 or greater must be approved by the President. This includes requests for change orders which, when added to the original purchase order value, will cause the cumulative value of the purchase order to exceed \$10,000.

**Capital Expenditures**

A Capital Expenditure is defined as an expenditure for the purchase of land, building, equipment, software, machinery, furniture and fixtures, etc. where the unit cost of an individual item is \$4,000 or greater and the expected life of the item exceeds one year.

Individual items below the \$4,000 may be treated as capital expenditures when, in the judgement of management, the items are material in nature, are components of a larger capital project, or their inclusion as assets is necessary for accurate financial reporting.

**Grant Expenditures**

In addition to the above requirements, approvals for grant expenditures are determined by the Chief Financial Officer in order to comply with the requirements of the grantor. Each grant will be assigned a financial administrator who will adhere to the approval processes determined by the Chief Financial Officer.



**Redline**

**Policy VII.C.1: Use of College Equipment and Facilities**

Equipment and facilities owned or leased by Erie County Community College are primarily intended to support the educational mission of the College. Equipment and use of facilities are for current and prospective students, employees and others having an official contract or connection to the College.

The College may make equipment and facilities available for reasonable public use when the purposes of the event are consistent with those of Erie County Community College, the use has the approval of the President and does not disrupt the normal business operations of the College. The nature and extent of such use are governed by applicable College policies and procedures and any applicable laws and regulations.

~~Fees may be assessed and~~ organizations may be required to have insurance and meet other requirements for use of College facilities.

**Final**

**Policy VII.C.1: Use of College Equipment and Facilities**

Equipment and facilities owned or leased by Erie County Community College are primarily intended to support the educational mission of the College. Equipment and use of facilities are for current and prospective students, employees and others having an official contract or connection to the College.

The College may make equipment and facilities available for reasonable public use when the purposes of the event are consistent with those of Erie County Community College, the use has the approval of the President and does not disrupt the normal business operations of the College. The nature and extent of such use are governed by applicable College policies and procedures and any applicable laws and regulations.

Organizations may be required to have insurance and meet other requirements for use of College facilities.

###



Resolution to Reaffirm Policy I.A.1: Duties of the Board of Trustees

Information

As part of the required five-year review cycle, this board policy is presented to the Board of Trustees for reaffirmation.

**Policy I.A.1: Duties of the Board of Trustees**

The duties of the Erie County Community College Board of Trustees include the following:

- Advance the College's mission, values and reputation.
- Ensure education is the primary purpose of the College.
- Ensure appropriate autonomy of the College.
- Ensure that the College serves the public interest.
- Recruit, appoint, compensate, and evaluate the President.
- Exercise oversight of the College including policy development, budget planning, and strategic planning.
- Act upon the recommendations of the President on all matters pertaining to the welfare or operation of the College.
- Review and approve the College budget.
- Review and approve tuition and fees.
- Approve, holding, leasing, renting, selling, purchasing and development of property.
- Monitor College progress on goals.
- Review and adopt Board policies.
- Approve contracts except as such authority may be delegated to the President.
- Accept and receive gifts and grants.
- Conduct periodic evaluation of the Board's performance.
- Exercise such other powers and duties as may be required by law and are not delegated to the President.
- Avoid or disclose conflicts of interest and uphold ethical standards.
- Maintain the confidentiality of board matters.

Recommendation

It is recommended that the Board of Trustees moves to reaffirm Policy I.A.1: Duties of the Board of Trustees as presented.



## Board of Trustees Meeting Minutes

### Regular Monthly Meeting

November 19, 2025 | 5:00 pm | 2403 W. 8<sup>th</sup> Street, Erie West, Founder's Rm 307A

Zoom Meeting ID: 864 7949 2792

Zoom Passcode: 113651

#### 1. Call to Order-Time: 5:00

#### 2. Roll Call

Trustee	Roll Call
Secretary Ejay Fyke	Not Present
Geoffrey Groce	Y
Kurt Hersch	Y
Robert Merrill	Y
Msg. David Rubino	Y
Vice Chairperson Cheryl Rush Dix	Y
Christina Vogel	Y
Chairperson Dr. Michael Victor	Y

With a quorum confirmed, the Trustees proceeded with the agenda.

#### College Employees/Other Attendees (8)

Founding President Chris Gray Ph.D.; Executive Assistant Renée Triana; CFO Frank Moore via Zoom; Assistant Vice President of Student Affairs Dr. Keri Bowman; Executive Director of External Relations & Strategy Shawn Waskiewicz; Solicitor Tim Wachter; and Betsy Krisher & Sara Reed of MaherDuessel via Zoom.

#### 3. Approval of September 24, 2025, Regular and Annual Meeting Minutes (pg. 98-108)

Motion 1	Resolution to Approve the September 24, 2025, Regular and Annual Meeting Minutes
-------------	--

There was no discussion.

Trustee	Motion 1	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch		Y
Robert Merrill	1	Y
Msg. David Rubino	2	Y
Vice Chairperson Cheryl Rush Dix		Y

\*Continued

Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to approve the September 24, 2025 regular and annual meeting minutes was approved unanimously via voice vote.

**4. Public Participation-None**

**5. Reports**

**A. President’s Report**

Chris Gray, Ph.D.

Dr. Gray reported that our students are transferring their credits to schools even outside our region and the impact student stories have on him. He also provided an update to the College’s Federal Financial Aid Application. The College is still hoping for a spring approval but is working on a backup plan in case that doesn’t happen.

**B. Ad Hoc Committees and Advisory Groups**

**1. Foundation-President’s Advisory Group**

Trustee Ejay Fyke, Board Representative

- a. Report-Trustee Fyke was not present, so Shawn Waskiewicz reviewed the division report and noted that year to date the foundation has raised \$164,000.

**C. Chairperson of the Board**

Chairperson Michael Victor, J.D., LL.D.

Chairperson Dr. Victor reported that the trustees would be going into executive session at tonight’s meeting and there would be a brief construction tour following the meeting. He also noted that the board would ratify the construction change order that was approved by him and the president for the Allied Health Care project.

**D. Other-None**

**6. Presentation of MaherDuessel Audit Report**

Betsy Krisher & Sara Reed of MaherDuessel reviewed the audit report with the Trustees and noted that it was discussed in detail with the finance committee. They noted that the books and records were in accordance with generally accepted accounting principles and that the financial statements were unmodified with a clean opinion. Dr. Gray thanked CFO, Frank Moore and his team for consistently clean audits.

**7. Standing Committee Reports and New Business**

**A. Academic Committee**

Vice Chairperson Cheryl Rush Dix

- 1. Report-**Trustee Groce reported that the committee met on November 5<sup>th</sup> and discussed the recommendation of the financial aid management consultant and the purchase of the IMM equipment, software and training curricula. He noted approval for technology subscriptions for the Allied Health Care project may come forward in the future for approval.

**2. New Business**

Motion 2	Resolution to Purchase Equipment, Software, and Training Curricula from Amatrol in the Amount of \$24,197.76 for the IMM Program [Board Report #25-47] (pg. 5)
-------------	--

There was no discussion.

Trustee	Motion 2	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce	2	Y
Kurt Hersch		Y
Robert Merrill		Y
Msg. David Rubino	1	Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to purchase equipment, software, and training curricula from Amatrol in the amount of \$24,197.76 for the IMM program was approved unanimously via voice vote.

Motion 3	Resolution to Approve the Contract with Portico/Campus Ivy for Financial Aid Management Consultant in the Amount of \$335,689.00 to Oversee and Manage the Financial Aid Process [Board Report #25-48] (pg. 6)
-------------	--

There was no discussion.

Trustee	Motion 3	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch	1	Y
Robert Merrill	2	Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to approve the contract with Portico/Campus Ivy for financial aid management consultant in the amount of \$335,689.00 to oversee and manage the financial aid process was approved unanimously via voice vote.

**\*Continued**

**B. Personnel Committee**

Trustee Robert Merrill

1. **Report**-Trustee Merrill reported that there was no personnel committee meeting this month and that they will resume in January.
2. **New Business**-No Action Items

**C. Finance Committee Report**

Trustee Kurt Hersch

1. **Report**-Chair Hersch reported that the committee met on November 10<sup>th</sup>. He noted variances in the budget report due to the state budget not being passed. He thanked the county for expediting the College’s quarterly payment to cover the variance. He noted a slowdown in marketing and consulting/contracting expenses. He also reported that neither the bridge loan nor the line of credit needed to be tapped into during the budget impasse.

- a. October YTD Budget Summary 2025-2026 (pg. 7)
- b. October 2025 Bank Reconciliation (pg. 8)
- c. Project Funding Update (pg. 9)

**2. New Business**

Motion 4	Resolution to Approve the 2025 MaherDuessel Audit as Presented [Board Report #25-49] (pg. 10-60)
-------------	--

There was no discussion outside of the presentation.

Trustee	Motion 4	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch	1	Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix	2	Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to approve the 2025 MaherDuessel Audit as presented was approved unanimously via voice vote.

Motion 5	Resolution to Purchase Up to \$128,659.09 for Millwork from Millington Lockwood [Board Report #25-50] (pg. 61)
-------------	--

Motion 5 6	Resolution to Purchase Up to \$79,713.55 of Furniture from Millington Lockwood [Board Report #25-51] (pg. 62)
---------------	---

**\*Continued**

Motion 5 & 8	Resolution to Approve Construction Change Order in the Amount of \$134,077.10 to Replace EC3 West’s Roof and Run HVAC Ducting [Board Report #25-53] (pg. 64)
-----------------	--

Motion 5 was amended to add motion 6 and 8. There was no other discussion.

Trustee	Motion 5	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch	1	Y
Robert Merrill		Y
Msg. David Rubino	2	Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to purchase Up to \$128,659.09 for millwork from Millington Lockwood; to purchase up to \$79,713.55 of furniture from Millington Lockwood; and to approve construction change order in the amount of \$134,077.10 to replace EC3 West’s roof and run HVAC ducting was approved unanimously via voice vote.

Motion 7	Resolution to Direct Administration to Negotiate a Lease Between EC3 and Corry Higher Educational Council from January 1, 2026-June 30, 2026, for Up to \$15,000 [Board Report #25-52] (pg. 63)
-------------	---

This motion was tabled and called to vote after executive session. The resolution was amended from the agenda as stated above.

Trustee	Motion 7	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch	1	Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix	2	Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to direct administration to negotiate a lease between EC3 and Corry Higher Educational Council from January 1, 2026-June 30, 2026, for up to \$15,000 was approved unanimously via voice vote.

**\*Continued**

**1. New Business**

Motion 9	Resolution to Adopt Board of Trustee Regular, Annual, and Standing Committee Meeting Dates and Times for 2026 as Presented [Board Report #25-54] (pg. 65-67)
-------------	--

The format follows the same rotation as the year previous.

Trustee	Motion 9	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch	2	Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix	1	Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to adopt Board of Trustee regular, annual, and standing committee meeting dates and times for 2026 as presented was approved unanimously via voice vote.

Motion 10	Resolution to Ratify the President’s Approval of Construction Change Orders with Consult and Board Chairperson Approval in the Amount of \$120,773.11 on October 15, 2025 per Board Policy VI.A.4: Purchases Requiring Board Authorization [Board Report #25-55] (pg. 68-97)
--------------	--

There was no discussion.

Trustee	Motion 10	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce	2	Y
Kurt Hersch		Y
Robert Merrill	1	Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Resolution to ratify the President’s approval of construction change orders with consult and Board Chairperson approval in the amount of \$120,773.11 on October 15, 2025 per Board Policy VI.A.4: Purchases Requiring Board Authorization via voice vote.

**\* Continued**

## 8. Executive Session

- a. To discuss matters involving campus safety and security procedures, pursuant to Section 708(a)(5) of the Pennsylvania Sunshine Act.
- b. For the Purposes of Real Estate

Trustee	Motion 11	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch		Y
Robert Merrill		Y
Msg. David Rubino	2	Y
Vice Chairperson Cheryl Rush Dix	1	Y
Christina Vogel		Y
Chairperson Dr. Michael Victor		Y

Motion to move into executive session at 5:36pm was approved unanimously via voice vote. The trustees returned from executive session at 6:31pm and voted on motion 7.

## 9. Motion to Adjourn-6:32pm

Trustee	Motion 12	Vote
Secretary Ejay Fyke		Not Present
Geoffrey Groce		Y
Kurt Hersch	1	Y
Robert Merrill		Y
Msg. David Rubino		Y
Vice Chairperson Cheryl Rush Dix		Y
Christina Vogel	2	Y
Chairperson Dr. Michael Victor		Y

Motion to adjourn the meeting at 6:32pm was approved unanimously via voice vote.

**Next Regular Meeting (Pending Board Approval) is January 28, 2026 at 5:00PM**