



## Minutes for Meeting Book - March 22, 2023, Board of Trustees Regular Meeting

03/22/2023 | 05:00 PM - (GMT-05:00) Eastern Time (US & Canada)

EC3 Erie West

### College/Other Attendees (11)

President Chris Gray PhD; Assistant to the President/Secretary to the Board Renee Triana; Vice President Guy Goodman; Vice President William Jeffress; Dean Dr. Keri Bowman; Dean Dr. Stuart Blackwell; Dean Rebecca Walker; HR Director Luisa Heifner (Zoom); Marketing & Communications Director Elise Michaux; Faculty Jacob Korte (Zoom); Solicitor Tim Wachter

### Call to Order

Time: 5:00pm

### Roll Call

Trustee	Roll Call
Justin Gallagher	Y 5:01pm via Zoom
Kurt Hersch	Y
Robert Merrill	Y
Dave Mitchell	Y
Rev. Pastor Charles Mock	Y 5:05pm via Zoom
Msgr. David Rubino	Y
Vice Chairperson Christina Vogel	Y
Secretary Annette Wagner, MD	Not Present
Chairperson Cheryl Rush Dix	Y

### Pledge of Allegiance

## Approval of February 22, 2023, Regular Meeting Minutes (pg. 43-50)

Trustee	Motion 1	Vote
Justin Gallagher		Y
Kurt Hersch		Y
Robert Merrill		Y
Dave Mitchell	1	Y
Rev. Pastor Charles Mock		Y
Msgr. David Rubino	2	Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, MD		Not Present
Chairperson Cheryl Rush Dix		Y

The minutes were approved unanimously via voice vote.

### Public Participation

None

### Communication

**A. President's Report**-EC3's spring to fall enrollment percentage is higher than most and there is an expectation it will continue to increase with the second 8 week semester. EC3 has articulation agreements with three Erie County career and technical centers including Erie County Technical School, Erie High School, and the Corry Area High School. The College has a commencement committee working on all details of the graduation on June 3<sup>rd</sup> and hopes to work with Grise and CAM to stream the graduation. Save the dates are being sent out and there are up to 25 students graduating. Special shout out to all staff present at tonight's meeting and Liberal Arts Division Chair Kimber Forrester for all their hard work in gathering the supporting material for the College's Accreditation Readiness Report to MSCHE. There is an employee bowling event in early April thanking them for all their hard work in the last year.

**B. Academic Committee**-No report.

**C. Personnel Committee**-Vice Chairperson Vogel reported that the committee met on 3/13/23 and reviewed benefits, the plan for the presidential evaluation, and discussed the

change in the College harassment policy that is coming forth tonight. It was noted that the changes in the harassment policy had been reviewed by the solicitor. Dr. Gray also explained to the Board that each board policy needs to be reviewed every 5 year to ensure the College is in compliance and that they still make sense as the College evolves their operations. Solicitor Wachter reported to the Board that there are proposed recommendations out for changes to Title IX right now, and that the College Policies will change as federal regulations change.

**D. Finance Committee**-Chair, Trustee Gallagher, asked the Trustees to take note of the financial reports on page 4 & 5 of the packet. He noted that the actual miscellaneous income was than projected because of interest income. He noted that either the rates were higher, or a CD paid out.

#### **E. Ad Hoc**

**1. Site Committee**-Sr. Gray reported for Chair, Trustee Mitchell, that the College has met with the Erie County Technical School concerning EC3's access to the building. The College should have more access to the building that previously thought. It was noted that the CNC and Welding programs are full, and the College will consider other leases and creative scheduling to accommodate more classes. Dr. Gray said there should be more information in the next few weeks solidifying the use of the spaces. Dr. Gray thanked Mr. Tarasovitch for being a supporter of the College and for regularly attending the College's Quarterly Breakfasts.

**2. Community Advisors**-Chair, Trustee Mock, mentioned that the breakfast has had good turn out and presentations. He is pleased by the remarks and good questions from the attendees. He noted that it's very important to stay in contact with community leadership and enhance the relationships between the college and stakeholders.

**F. Chairperson of the Board**-Chairperson Rush Dix reported that the Trustees came together on Saturday, March 11th for their annual Board Retreat. During the retreat the Trustees updated their Board profile, completed self-assessments, board education, annual requirements and governance obligations. Chairperson Rush Dix said she deployed AGB resources that are provided with the College's membership and plans on using more in the near future. The annual Board Assessment showed results had improved from the previous year and there were areas that still needed strengthening. There will be follow up to Board education during the Executive Committee meeting in April. The Board Retreat sessions also contributed to the MSCHE ARR report. March 20, 2023, was the Team Consortium meeting

and there is a Tri-State Conference on March 31<sup>st</sup> in Cranberry, PA. All the Board committees met as well.

**G. Other-None**

**Presentation- Operational Plan**

Vice President of Academic and Student Affairs, Guy Goodman reported that there are five strategic priorities or pillars in the College's Operational Plan. The College has taken each priority and developed specific operational tasks around the pillars. It was decided who's responsible, when the task should be completed, the metric, the target goal as a deliverable-process or data that can be understood. The Cabinet reviews the plan quarterly for updates, add-ons, supplements, and replacements. The Board has seen a lot of these in previous Board presentations. These are the things the College is doing and connecting its work to.

Marketing and Communications Director, Elise Michaux, and Dean of Student Services, Dr. Keri Bowman took item 1.2.2. Create a 3-pronged Marketing Plan to address the College's needs for brand recognition, partnership, and enrollment and provided an example to the Board how the College is making this pillar a reality.

Dean Keri Bowman presented information (**Exhibit A**) to the Board concerning EC3's academic partnerships. She stated that the biggest challenge in securing the agreements is the newness of the College, but we are communicating to the public through various forms of marketing and outreach including our Quarterly Breakfasts. Dean Bowman said that while the College was new, it is not new to providing high quality education to our students.

**Consent Agenda (pg. 6-31)**

A. Resolution to Adopt Board Policy II.A.1: Policy Against Discrimination and Harassment Board Report #23-14

B. Resolution to Adopt Board Policy I.A.5. Standards of Conduct for Trustees, Officers, and Senior Administrators Board Report #23-15

**CONTINUED: Consent Agenda (pg. 6-31)**

<b>Trustee</b>	<b>Motion 2</b>	<b>Vote</b>
Justin Gallagher		Y
Kurt Hersch	2	Y
Robert Merrill		Y
Dave Mitchell		Y
Rev. Pastor Charles Mock		Y
Msgr. David Rubino	1	Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, MD		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to approve the Consent Agenda was approved unanimously via voice vote.

**New Business-Resolution to Approve the Academic Calendar for 2023-2024 Academic Year Board Report #23-16 (pg. 32-33)**

It was explained that the graduation and commencement for the 2023-2024 academic year has not been established and as of now, has no regular pattern of occurrence.

<b>Trustee</b>	<b>Motion 3</b>	<b>Vote</b>
Justin Gallagher		Y
Kurt Hersch		Y
Robert Merrill	2	Y
Dave Mitchell	1	Y
Rev. Pastor Charles Mock		Y
Msgr. David Rubino		Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, MD		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to approve the Academic Calendar for 2023-2024 Academic Year was approved unanimously via voice vote.

**New Business-Resolution to Approve the College 2023-2024 Recognized Holiday Calendar Board Report #23-17 (pg.34)**

Trustee	Motion 4	Vote
Justin Gallagher		Y
Kurt Hersch		Y
Robert Merrill		Y
Dave Mitchell	2	Y
Rev. Pastor Charles Mock		Y
Msgr. David Rubino	1	Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, MD		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to approve the College 2023-2024 Recognized Holiday Calendar was approved unanimously via voice vote.

**Resolution to Approve Board Member Travel to San Diego, CA for AGB 2023 National Conference on Trusteeship for the Amount to Be Determined by the Board of Trustees Board Report #23-18 (pg.35-39)**

Trustee Gallagher noted that the travel item was discussed in the Executive Committee meeting on March 15<sup>th</sup> and that other community colleges had a big range in practice and amount designated for travel.

Chairperson Rush Dix said the purpose of attending the conference was to use the AGB resources and experience to provide the Board with training in areas that were identified in the Board self-assessments. AGB has several resources that the College can use as they grow versus using consultants. Chairperson Rush Dix said she can obtain knowledge in these areas from the conference and bring them back to the Board. Chairperson Rush Dix will be abstaining from the vote.

Dr. Gray noted that the current Board Policy (III.D.2: Reimbursement For Authorized Travel And Business Expenses) states that funds must be available in the budget to support travel and must be approved by the President and the Board Chairperson. Dr. Gray stated that

**CONTINUED: Resolution to Approve Board Member Travel to San Diego, CA for AGB 2023 National Conference on Trusteeship for the Amount to Be Determined by the Board of Trustees Board Report #23-18 (pg.35-39)**

there is currently \$8,000 in the travel line, but it is not designated specifically to the Board or staff. Dr. Gray said in spirit this requested travel does fall under the current travel policy.

Trustee Mitchell commented that the networking and knowledge that can be rough back to the College will be valuable. He stated that he would hope the future budget would support networking opportunities in Pennsylvania. Trustee Msgr. Rubino asked if there was a travel budget in place for the staff to attend the MSCHE or the PACCC conferences. Dr. Gray responded that the College's budget is not mature enough to address those specific line items and that a resolution needs to be brought forth to address the policy for all reasons mentioned. Trustee Msgr. Rubino stated that one of the key things MSCHE is looking for is board training and AGB is a recognized organization in trustee training and leadership development. Trustee Gallagher affirmed that the prospects of attending conferences are valuable but is concerned about the perception of this type of thing and that there are no specific guidelines in place for this type of travel. Vice Chairperson Vogel agreed that Board training and conferences were valuable but did not feel this was the right one. Vice Chairperson Vogel defined valuable as the right audience and right group. The College just joined AGB, and this is putting the cart before the horse. Vice Chairperson Vogel explained that she would like a Board travel policy in place first. Trustee Hersch expressed similar feelings and stated it's essential to have education to make a better board. He continued that the conference was not the issue, but the process. The College should have budget and policy in place before Board travel was approved. If the Board doesn't have conversations about that, it puts itself in an ethically compromised position. Trustee Merrill said he would not want to jeopardize the opportunity and the value that this would bring to the Board. Trustee Mock contributed that the Board should have faith in the present leadership's skill set and knowledge in reporting back the information received at the conference.

**CONTINUED: Resolution to Approve Board Member Travel to San Diego, CA for AGB 2023 National Conference on Trusteeship for the Amount to Be Determined by the Board of Trustees Board Report #23-18 (pg.35-39)**

Trustee	Motion 5	Vote
Justin Gallagher		N
Kurt Hersch	2	N
Robert Merrill		Y
Dave Mitchell	1	Y
Rev. Pastor Charles Mock		Y
Msgr. David Rubino		Y
Vice Chairperson Christina Vogel		N
Secretary Annette Wagner, MD		Not Present
Chairperson Cheryl Rush Dix		Abstain

The motion to Approve Board Member Travel to San Diego, CA for AGB 2023 National Conference on Trusteeship for the Amount to Be Determined by the Board of Trustees was approved by a 4 to 3 vote via roll call with Chairperson Cheryl Rush Dix abstaining from the vote. The dollar amount approved for all conference and travel-related taxes, fees, and tips was up to \$4,400.

**Future Agenda Items/Summary Comments by Board Members**

Chairperson Cheryl Rush Dix reminded the trustees to submit names and addresses for commencement invitations. She also informed the board that a more formal report would be forthcoming concerning the findings from the Board Retreat that took place on March 11<sup>th</sup>.

**For Information**

Chairperson Cheryl Rush Dix asked the trustees if they had any questions concerning the information report. No questions were raised.

**Executive Session**

The Board of Trustees motioned to enter into Executive Session for the purposes of personnel matters with no action to be taken immediately following the session. Time: 6:37pm.



<b>Trustee</b>	<b>Motion 6</b>	<b>Vote</b>
Justin Gallagher		Y
Kurt Hersch	1	Y
Robert Merrill		Y
Dave Mitchell		Y
Rev. Pastor Charles Mock		Y
Msgr. David Rubino	2	Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, MD		Not Present
Chairperson Cheryl Rush Dix		Y

## **Motion to Adjourn**

**Time:** 7:10pm

<b>Trustee</b>	<b>Motion 7</b>	<b>Vote</b>
Justin Gallagher	1	Y
Kurt Hersch	2	Y
Robert Merrill		Y
Dave Mitchell		Y
Rev. Pastor Charles Mock		Y
Msgr. David Rubino		Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, MD		Not Present
Chairperson Cheryl Rush Dix		Y

**Next Regular Meeting April 26, 2023, 5PM**



COMMUNITY  
COLLEGE

# Board of Trustees Regular Meeting

March 22, 2023

EC3 Erie West

2403 W. 8th St.

Erie, PA, 16505

<https://us02web.zoom.us/j/86479492792?pwd=cWFtNEpQenhbmRiNytLcUdGQXJlEQT09>

Meeting ID: 864 7949 2792, Passcode: 113651



## Meeting Book - March 22, 2023 Board of Trustees Regular Meeting

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1. Call to Order

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2. Roll Call

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3. Pledge of Allegiance

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4. Approval of February 22, 2023, Regular Meeting Minutes (pg.43-50)

A. February 22, 2023 Regular Meeting Minutes

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5. Public Participation

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6. Communication

A. President's Report  
Chris Gray, PhD

B. Academic Committee  
Secretary Annette Wagner, M.D.

C. Personnel Committee  
Vice Chairperson Christina Vogel

D. Finance Committee  
Trustee Justin Gallagher

1. Monthly Financial Documents  
(pg.4-5)

E. Ad Hoc Committees

1. Site Committee  
Trustee Dave Mitchell

F. Chairperson of the Board  
Chairperson Cheryl Rush Dix

G. Other

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7. Presentation- Operational Plan

8. Consent Agenda (pg. 6-31)

A. Resolution to Adopt Board Policy II.A.1: Policy Against Discrimination and Harassment Board Report #23-14 (pg. 6-24)

B. Resolution to Adopt Board Policy I.A.5. Standards of Conduct for Trustees, Officers, and Senior Administrators Board Report #23-15 (pg. 25-31)

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9. New Business-Resolution to Approve the Academic Calendar for 2023-2024 Academic Year Board Report #23-16 (pg. 32-33)

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10. New Business-Resolution to Approve the College 2023-2024 Recognized Holiday Calendar Board Report #23-17 (pg. 34)

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11. Resolution to Approve Board Member Travel to San Diego, CA for AGB 2023 National Conference on Trusteeship for the Amount to Be Determined by the Board of Trustees Board Report #23-18 (pg.35-39)

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12. Future Agenda Items/Summary Comments by Board Members

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13. For Information

A. Human Resource and Diversity Board Report #23-19 (pg. 40-41)

B. Workforce Development Board Report #23-20 (pg. 42)

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14. Executive Session

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15. Motion to Adjourn

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16. Next Regular Meeting April 26, 2023 5PM

<b>ERIE COUNTY COMMUNITY COLLEGE</b>
<b>2022 -2023 BUDGET - FUNDING SOURCES AND APPLICATION OF FUNDS</b>
<b>FISCAL YEAR JULY 1, 2022 - JUNE 30, 2023</b>

(000's US Dollars)

<b>FUNDING SOURCES</b>	<b>Approve Budget July 2022 - June 30, 2023</b>			<b>Actual</b>
	<b>Operating</b>	<b>Capital</b>	<b>Total</b>	<b>Feb 2023</b>
Student Tuition - Credit Programs	\$1,036,800	-	\$ 1,036,800	\$1,010,705
Student Fees	179,680	-	179,680	225,198
Net Tuition from Noncredit Programs	50,000	-	50,000	
County of Erie	3,300,000	450,000	3,750,000	2,812,500
Commonwealth of Pa	2,900,000	850,000	3,750,000	1,450,000
Commonwealth of Pa - Recurring Capital	329,588	-	329,588	
Miscellaneous Income	10,000	-	10,000	18,286
		-	-	
<b>Totals</b>	<b>\$7,806,068</b>	<b>\$1,300,000</b>	<b>\$9,106,068</b>	<b>\$5,516,689</b>

**APPLICATION OF FUNDS**

Salaries and Wages	\$2,710,690		2,710,690	\$2,479,135
Staff Benefits	1,279,331		1,279,331	817,660
All Other Operating Budget Expenses	3,782,786		3,782,786	1,881,720
Capital Purchases		\$1,300,000	1,300,000	-
<b>TOTAL APPLICATION OF FUNDS</b>	<b>\$7,772,807</b>	<b>\$1,300,000</b>	<b>9,072,807</b>	<b>\$5,178,515</b>

<b>SURPLUS (SHORTFALL)</b>	<b>\$33,261</b>	<b>\$0</b>	<b>\$33,261</b>	<b>\$338,174</b>
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**Erie County Community College  
February 2023 Check Register**

**Erie County Community College - Check Register for the Month of February 2023**

<b>Payee</b>	<b>Amount</b>	<b>Category</b>	<b>Operating Expense Cost Center</b>	<b>Frequency</b>
Acclaim Electric	\$1,901.22	Equipment repair	Facility Operations	as needed
Association of Governing Boards	\$4,200.00	Annual membership dues	Finance/Institutional memberships	annual
Benedictine Sisters of Erie Inc	\$4,941.67	Lease	Leases	monthly (\$6,450)
Carolina Biological Supply Company	\$5,048.68	Educational textbooks	Educational Supplies	as needed
Corry Higher Education Council	\$30,000.00	Lease	Leases	annual
Cynthia Wolf	\$375.00	Marketing	Contracted services	as needed
Erie County Technical School	\$9,369.23	Lease	Leases	monthly
Erie Metropolitan Transit Authority	\$12,000.00	Lease	Leases	annual
Erie Otters-JAW Hockey Enterprises	\$1,500.00	Sponsorship	Marketing	monthly
Erie Seawolves	\$12,000.00	Sponsorship	Marketing	monthly
FastSigns	\$2,341.11	Marketing	Marketing	as needed
Fisher Scientific	\$1,846.45	Educational supplies	Educational Supplies	as needed
Flagship Multimedia Inc.	\$666.67	Marketing	Marketing	as needed
Flores & Associates, LLC	\$60.00	Medical FSA	HR/Flex plan	monthly
GovConnection Inc	\$9,526.00	IT	IT/Contracted services	as needed
Haines Printing	\$313.50	Supplier Payment	Marketing	as needed
Heidi E Sheehan	\$700.00	Consultant	Contracted services	as needed
Incline Alchemy, Inc	\$25,531.28	IT contracted support	IT/Contracted services	as needed
Insurance Management	\$6,368.00	Insurance coverage	Facility Operations	annual
JJ Agnello Heating & Air Conditioning	\$124.00	Maintenance services	Facility Operations	as needed
Knox Law	\$2,534.00	Legal services	Legal	as needed
Logicalis	\$50,573.88	Final contract balance	Contracted services	terminated
Manufacturer & Business Assoc Ins	\$280.00	Continuing education courses	HR	as needed
MBS Direct, LLC	\$457.12	Educational textbooks	Educational Supplies	as needed
MenajErie Studio, LLC	\$2,500.00	Marketing	Marketing	monthly
New Opportunities	\$132.00	Medical benefits	HR/Medical	monthly
<b>Payee</b>	<b>Amount</b>	<b>Category</b>	<b>Operating Expense Category</b>	<b>Frequency</b>
PA Commission for Colleges	\$296.45	Consultant	Contracted services	as needed
Pro Waste Service	\$172.00	Contracted service	Facility Operations	monthly
R Brilliant Media	\$5,750.00	Marketing	Marketing	monthly
Regroup Mass Notification	\$5,252.63	Supplier Payment	IT/Contracted services	annual
Ridge Policy Group	\$6,000.00	Contracted service	Contracted services	monthly
Sample News Group	\$3,561.00	Marketing	Marketing	monthly
Service Master Restoration	\$1,040.00	Supplier Payment	Facility Operations	monthly
The Wilkins Co., INC.	\$1,731.00	Maintenance services	Facility Operations	as needed
Tiffany Blum	\$910.00	Marketing	Marketing	monthly
Transact Campus Inc.	\$4,043.72	IT services	IT/Contracted services	annual
Union City Pride Inc.	\$25.00	Event	Marketing	one time
Velocity Network	\$3,021.21	Service provider	IT/Contracted services	monthly
Vision Benefits of America Inc.	\$318.29	Medical benefits	HR/Medical	monthly
WEL Instrument Company	\$12,321.00	Supplier Payment	Educational supplies	as needed
Welders Supply	\$4,213.23	Educational supplies	Educational supplies	monthly as needed
	<b>\$233,945.34</b>			
<b>Operating Expense Category</b>	<b>Amount</b>			
Contracted Services	\$62,145.33			
Educational Supplies	\$23,886.48			
Facility Operations	\$11,336.22			
HR/Benefits	\$790.29			
IT/Contracted Services	\$47,374.84			
Leases	\$56,310.90			
Legal	\$2,534.00			
Marketing	\$29,567.28			
<b>TOTAL</b>	<b>\$233,945.34</b>			



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

Information

Board Policy II.A.1 Policy Against Title IX Sexual Harassment and/or Sexual Misconduct is changing its title to II.A.1 Policy Against Discrimination and Harassment.

The change adds all forms of harassment and discrimination to the sexual harassment 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.

A red-lined and final version of this policy are attached herewith reflecting all the changes mentioned above for review.

Recommendation

It is recommended that the Board of Trustees approves the changes as presented to the Board Policy II.A.1 Policy Against Discrimination and Harassment.



Policy II.A.1: Policy Against ~~Title IX Sexual Harassment and/or Sexual Misconduct~~ Discrimination and Harassment

I. INTRODUCTION

Erie County Community College is committed to maintaining an educational and working environment free of ~~unlawful~~ discrimination and harassment. Under this policy, ~~all~~ forms of discrimination or harassment ~~based on sex~~ 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.~~

~~prohibits Sexual Harassment, as defined by federal Title IX regulations, by or against any student, faculty, administrator, staff, employee, vendor, contractor, volunteer, or visitor to the College. Sexual Harassment includes Sexual Assault, Dating Violence, Domestic Violence or Stalking. As set forth in this policy, the College will take all appropriate steps to prevent and respond to incidents of sexual harassment in a prompt and equitable manner.~~

~~Reports of Sexual Harassment that do not rise to the level of unwelcome verbal or physical conduct based on sex or of a sexual nature that does not rise to the level of sexual harassment under this policy may be covered by the College's Anti-Discrimination and Harassment Complaint Policy.~~

~~This policy will:~~

- ~~• Define Title IX Sexual Harassment.~~
- ~~• Explain how to make a report of Sexual Harassment.~~
- ~~• Identify interim measures and support services available for Complainants or Respondents under this policy.~~
- ~~• Provide information on the Sexual Harassment complaint process, including how reports made under this policy are equitably investigated and the hearing process.~~

II. POLICY

A. Scope of Policy

This policy applies to all students, faculty, administrators, staff, employees, vendors, contractors, volunteers, and visitors to the College, ~~regardless of sexual orientation, gender, gender identity, gender expression, or any other characteristic, and regardless of the sex or sexes of the parties involved, including when the parties involved are all of the same sex.~~ Under this policy, the College has jurisdiction over reports of ~~sexual~~ 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 ~~sexual 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: ~~Guy Goodman~~, 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:

- 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 Commonwealth of Pennsylvania; 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 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.

**A. 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.

The College strongly discourages any sexual or romantic relationship between a faculty member and a student where the faculty member has authority or influence over, or responsibility for, that student. Similarly, the College discourages any sexual or romantic relationship between a supervisor and a staff employee, where the supervisor has authority or influence over, or responsibility for, that employee.

Consensual relationships among faculty and students or supervisors and staff where such authority, influence or responsibility exists are strongly discouraged. Any consensual relationships which create severe, pervasive and objectively offensive work or academic environments for other students or staff are prohibited.

**B. 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.

**A. 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.

**B. 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.

**C. 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.

**D. 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.

**E. 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.

**F. 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.

**G. 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 approved by Erie County Community College Board of Trustees:*

*April 7, 2021*

*August 25, 2021*

*March 23, 2022*

*March 22, 2023*

*\*Review Deadline: ~~March 23, 2027~~ 22, 2028*





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:

**2. 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.
- 3. 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.
- c. **Domestic Violence:** Domestic Violence is a felony or misdemeanor crime 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 Commonwealth of Pennsylvania; 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 Commonwealth of Pennsylvania.
- Note: Domestic Violence is not defined under Pennsylvania law.
- 4. 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.

**5. 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.

**A. 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.

The College strongly discourages any sexual or romantic relationship between a faculty member and a student where the faculty member has authority or influence over, or responsibility for, that student. Similarly, the College discourages any sexual or romantic relationship between a supervisor and a staff employee, where the supervisor has authority or influence over, or responsibility for, that employee.

Consensual relationships among faculty and students or supervisors and staff where such authority, influence or responsibility exists are strongly discouraged. Any consensual relationships which create severe, pervasive and objectively offensive work or academic environments for other students or staff are prohibited.

**B. 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.

**IX. 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

**B. 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.

**A. 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.

**B. 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.

**C. 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.

**D. 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.

**E. 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.

**F. 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.

**G. 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.

**X. 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.

**D. Investigation Procedures:**

13. Title IX Coordinator will promptly contact and explain the College's supportive measures to the Complainant.
14. Title IX Coordinator will explain the process for filing a formal complaint.
15. A review of the allegations by the Title IX Coordinator to determine whether they constitute prohibited conduct under this policy.
16. 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.
17. 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.
18. The College will take appropriate supportive measures as necessary.
19. 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.***
20. 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.**
21. Interviews with the Complainant, the Respondent and any witnesses.
22. Review of student and/or personnel files.
23. 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.

24. 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.

**E. Hearing Procedures:**

7. 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.
8. 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.
9. 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.
10. 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.
11. For hearings involving a Student as the Respondent the Hearing Officers shall be appointed in accordance with the Student Code of Conduct.
12. For hearings involving a Faculty or Staff member as the Respondent the Hearing Officer shall be appointed by the College's President.

**F. Appeals:**

8. 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.
9. 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.
10. 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.
11. 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.
12. Both parties will have a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome.
13. The appeal officer will issue a written decision describing the result of the appeal and the



rationale for the result.

- 14. Both parties will receive simultaneous written notice regarding the outcome of any appeal.

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

**C. 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.

**D. 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.

**XII. 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.

**XIII. 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.





**XIV. 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 approved by Erie County Community College Board of Trustees:*

***April 7, 2021***

***August 25, 2021***

***March 23, 2022***

***March 22, 2023***

***\*Review Deadline: March 22, 2028***



Resolution to Adopt Board Policy I.A.5 Standards of Conduct and Code of Ethics for Trustees,  
Officers and Senior Administrators

Information

Board Policy I.A.5 Standards of Conduct for Trustees, Officers and Senior Administrators title is changing to I.A.5 Standards of Conduct *and Code of Ethics* for Trustees, Officers and Senior Administrators to clarify the topics that are addressed within the policy and to align the policy with Article II.F. of the College Bylaws .

A red-lined and final version of this policy are attached herewith reflecting all the changes mentioned above for review.

Recommendation

It is recommended that the Board of Trustees approves the title change as presented to Policy I.A.5 Standards of Conduct for Trustees, Officers and Senior Administrators to I.A.5 Standards of Conduct and Code of Ethics for Trustees, Officers and Senior Administrators.



**Policy I.A.5. Standards of Conduct and Code of Ethics for Trustees, Officers and Senior Administrators**

The Board of Trustees of Erie County Community College (the “College”) recognizes that members of the College’s Board of Trustees, the College President, members of the President’s Cabinet, and other Senior Administrators (hereinafter referred to individually and collectively as “Trustees,” “Officers” or “Administrators”), must observe high standards of ethical conduct in order to fulfill the College’s mission with integrity and to assure public confidence in the institution.

The Board of Trustees, in the exercise of its leadership role for the College, must also model recognized best practices associated with policy development and institutional governance. Accordingly, and in order to provide a framework for guiding ethical conduct, the Board of Trustees of Erie County Community College adopts the following standards of conduct for Trustees, Officers and Administrators to uphold. In the event of a conflict between the terms of this policy and the Pennsylvania Public Official and Employee Ethics Act (the “Ethics Act”), the more strict provision shall control. If a topic referenced herein has also been addressed in another Board policy or in a College regulation, then the procedures and statements contained in such policies or regulations shall be deemed to be affirmed and made a part hereof for all purposes.

**Definitions**

The term “Senior Administrators” shall refer to administrative employees of the College with the rank or title of President, Provost/ Executive Vice President, Vice President, Assistant Vice President, Executive Director, Director, Dean, Associate Dean, Assistant Dean and Coordinator. “Interest” shall include a monetary, financial benefit or other personal material benefit. “Affiliate” will include a business, association, corporation or other legal entity in which a Trustee, Officer, Administrator or his/her immediate family member is a director, trustee, officer, partner, joint venturer, principal, employee, owner and/or holder of five percent (5%) or more of voting stock or a controlling interest. As used herein, “immediate family member” refers to a spouse or civil union partner, child, parent, sibling, or such relations by marriage or civil union partnership, a person claimed as a dependent for federal income tax purposes (wherever residing), and any relative residing in the same household. The term “Presidents Cabinet” shall refer to senior officers and others designated by the President.

**Standards of Conduct**

The Board of Trustees hereby adopts the following standards of conduct for all Trustees, Officers and Administrators. Trustees will:

1. Devote sufficient time, thought and study to their duties and responsibilities as a Trustee of the College so as to render effective and creditable service.
2. Recognize their fiduciary duty to serve the public trust, and ensure that all of their actions and decisions as Trustees are based solely on promoting the best interests of the College, its students and the public good.
3. Recognize that, as individuals, they have no legal authority to act outside of official meetings of the Board, and, in such a case, only when such act is authorized by a majority of the Board, nor to individually direct the activities or actions of College personnel.
4. Distinguish between issues relating to governance and policy, which are appropriately within the purview and authority of the Board, and issues relating to the College’s day-to-day operations, which shall be left to the purview of the President and the President’s staff.
5. Maintain consistent and vigilant oversight of the College’s operations and educational programs, and monitor progress toward achievement of established goals and the College’s compliance with Board policies and applicable laws.
6. Keep well-informed on Board-related issues and attend and participate actively in meetings of the Board and its committees.
7. Serve as stewards of and advocates for the College and its policies and programs.



8. Encourage open, honest and civil discussion in making Board decisions, and offer opportunities for differences of opinion to be heard. Work collaboratively and collegially with each other and the College's Officers, Administrators, employees, students and the community at large to support and implement the mission, vision and goals of the College.
9. Recognize the Board chair or his or her designee as the Board's official spokesperson to the media.
10. Read, understand and follow the policies, procedures and guidelines set forth in the Board of Trustees by-laws.
11. Honor and support actions that are made and duly approved by the Board in accordance with procedures established in the Board's by-laws and under applicable law.
12. Complete and submit in a timely fashion the Statement of Financial Interests form mandated by the provisions of the Ethics Act to the College's Human Resources Office.

**Trustees, Officers and Administrators will:**

1. Support the highest ethical and professional standards in the course of performing their respective duties and responsibilities.
2. Maintain knowledge and understanding of the requirements of all Board policies and by-laws.
3. Identify and disclose all actual or potential conflicts of interest and act at all times for the general good of the College and regardless of personal friendships, relationships or interests or the interests or influences of third parties.
4. Maintain the confidentiality of information which is privileged, proprietary or otherwise not generally available to the public and which is received or acquired in the course of his/her official duties.
5. Interact with each other and all members of the College community in a manner that creates and sustains mutual respect.
6. Maintain and implement processes to identify and resolve issues or complaints regarding noncompliance with this policy and impose appropriate consequences for substantiated instances of noncompliance.
7. If uncertain as to whether a particular relationship, transaction or situation may constitute or create a conflict of interest, consult with the College's general counsel.
8. Abstain or recuse themselves from participating in or otherwise attempting to influence any action, transaction or decision in which an actual or potential conflict of interest has been identified.

**Trustees, Officers and Administrators must not:**

1. Accept or solicit any gift, favor, service or benefit that might reasonably tend to influence the individual in the discharge of his other official duties or that the individual knows or should know is being offered with the intent to influence his or her official conduct.
2. Accept employment or engage in a business or professional activity that the individual might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her position with the College.
3. Accept other appointments or any employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of official duties.
4. Intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another.

**The following examples illustrate situations that may constitute a violation of the Standards of Conduct. This list is not comprehensive and does not limit the scope of this Policy.**

1. Knowingly voting upon, approving or authorizing a contract or transaction between the College and an immediate family member or Affiliate, or any other matter in which the Trustee, Officer or



Administrator has an interest.

2. Exerting influence on the decision to purchase or lease property, equipment or materials for the College from an immediate family member or Affiliate of the Trustee, Officer or Administrator.
3. Using College students, staff, resources or facilities for personal gain or benefit or for the benefit of an immediate family member or Affiliate.
4. Using confidential information for personal gain or benefit or for the benefit of an immediate family member or Affiliate.
5. Establishing specifications for a product or service in a manner that would preclude persons or entities other than Affiliates or immediate family members of the Trustee, Officer or Administrator from submitting a competitive bid for an equivalent item.
6. For a Trustee, Officer or Administrator, or any immediate family member thereof, to accept from an organization, firm or individual doing or seeking to do business with the College any of the following: commissions; a share in profits; gifts in cash; gifts of merchandise of more than nominal value; loans or advances (other than from established banking or financial institutions); materials, services, repairs or improvements at no cost or at unreasonably low prices; excessive or extravagant entertainment; and travel.
7. For an Affiliate or immediate family member of any Trustee, Officer or Administrator to enter into any contract with the Board or the College, except with the prior knowledge and consent of the Board of Trustees and compliance with applicable provisions of the Ethics Act.
8. For an Officer or Administrator to receive additional compensation through a grant program or other third party funding source for performing work that is an integral part of said individual's normal job duties and responsibilities.
9. Direct or indirect involvement in the hiring, supervision, performance evaluation, compensation or retention of an immediate family member.

*\*Policy approved by Erie County Community College Board of Trustees:*

**April 14, 2021**

**March 22, 2023**

*\*Review Deadline: ~~April 14, 2026~~ March 22, 2028*



**Policy I.A.5. Standards of Conduct and Code of Ethics for Trustees, Officers and Senior Administrators**

The Board of Trustees of Erie County Community College (the “College”) recognizes that members of the College’s Board of Trustees, the College President, members of the President’s Cabinet, and other Senior Administrators (hereinafter referred to individually and collectively as “Trustees,” “Officers” or “Administrators”), must observe high standards of ethical conduct in order to fulfill the College’s mission with integrity and to assure public confidence in the institution.

The Board of Trustees, in the exercise of its leadership role for the College, must also model recognized best practices associated with policy development and institutional governance. Accordingly, and in order to provide a framework for guiding ethical conduct, the Board of Trustees of Erie County Community College adopts the following standards of conduct for Trustees, Officers and Administrators to uphold. In the event of a conflict between the terms of this policy and the Pennsylvania Public Official and Employee Ethics Act (the “Ethics Act”), the more strict provision shall control. If a topic referenced herein has also been addressed in another Board policy or in a College regulation, then the procedures and statements contained in such policies or regulations shall be deemed to be affirmed and made a part hereof for all purposes.

**Definitions**

The term “Senior Administrators” shall refer to administrative employees of the College with the rank or title of President, Provost/ Executive Vice President, Vice President, Assistant Vice President, Executive Director, Director, Dean, Associate Dean, Assistant Dean and Coordinator. “Interest” shall include a monetary, financial benefit or other personal material benefit. “Affiliate” will include a business, association, corporation or other legal entity in which a Trustee, Officer, Administrator or his/her immediate family member is a director, trustee, officer, partner, joint venturer, principal, employee, owner and/or holder of five percent (5%) or more of voting stock or a controlling interest. As used herein, “immediate family member” refers to a spouse or civil union partner, child, parent, sibling, or such relations by marriage or civil union partnership, a person claimed as a dependent for federal income tax purposes (wherever residing), and any relative residing in the same household. The term “Presidents Cabinet” shall refer to senior officers and others designated by the President.

**Standards of Conduct**

The Board of Trustees hereby adopts the following standards of conduct for all Trustees, Officers and Administrators. Trustees will:

1. Devote sufficient time, thought and study to their duties and responsibilities as a Trustee of the College so as to render effective and creditable service.
2. Recognize their fiduciary duty to serve the public trust, and ensure that all of their actions and decisions as Trustees are based solely on promoting the best interests of the College, its students and the public good.
3. Recognize that, as individuals, they have no legal authority to act outside of official meetings of the Board, and, in such a case, only when such act is authorized by a majority of the Board, nor to individually direct the activities or actions of College personnel.
4. Distinguish between issues relating to governance and policy, which are appropriately within the purview and authority of the Board, and issues relating to the College’s day-to-day operations, which shall be left to the purview of the President and the President’s staff.
5. Maintain consistent and vigilant oversight of the College’s operations and educational programs, and monitor progress toward achievement of established goals and the College’s compliance with Board policies and applicable laws.
6. Keep well-informed on Board-related issues and attend and participate actively in meetings of the Board and its committees.
7. Serve as stewards of and advocates for the College and its policies and programs.



8. Encourage open, honest and civil discussion in making Board decisions, and offer opportunities for differences of opinion to be heard. Work collaboratively and collegially with each other and the College's Officers, Administrators, employees, students and the community at large to support and implement the mission, vision and goals of the College.
9. Recognize the Board chair or his or her designee as the Board's official spokesperson to the media.
10. Read, understand and follow the policies, procedures and guidelines set forth in the Board of Trustees by-laws.
11. Honor and support actions that are made and duly approved by the Board in accordance with procedures established in the Board's by-laws and under applicable law.
12. Complete and submit in a timely fashion the Statement of Financial Interests form mandated by the provisions of the Ethics Act to the College's Human Resources Office.

**Trustees, Officers and Administrators will:**

1. Support the highest ethical and professional standards in the course of performing their respective duties and responsibilities.
2. Maintain knowledge and understanding of the requirements of all Board policies and by-laws.
3. Identify and disclose all actual or potential conflicts of interest and act at all times for the general good of the College and regardless of personal friendships, relationships or interests or the interests or influences of third parties.
4. Maintain the confidentiality of information which is privileged, proprietary or otherwise not generally available to the public and which is received or acquired in the course of his/her official duties.
5. Interact with each other and all members of the College community in a manner that creates and sustains mutual respect.
6. Maintain and implement processes to identify and resolve issues or complaints regarding noncompliance with this policy and impose appropriate consequences for substantiated instances of noncompliance.
7. If uncertain as to whether a particular relationship, transaction or situation may constitute or create a conflict of interest, consult with the College's general counsel.
8. Abstain or recuse themselves from participating in or otherwise attempting to influence any action, transaction or decision in which an actual or potential conflict of interest has been identified.

**Trustees, Officers and Administrators must not:**

1. Accept or solicit any gift, favor, service or benefit that might reasonably tend to influence the individual in the discharge of his other official duties or that the individual knows or should know is being offered with the intent to influence his or her official conduct.
2. Accept employment or engage in a business or professional activity that the individual might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her position with the College.
3. Accept other appointments or any employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of official duties.
4. Intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another.

**The following examples illustrate situations that may constitute a violation of the Standards of Conduct. This list is not comprehensive and does not limit the scope of this Policy.**

1. Knowingly voting upon, approving or authorizing a contract or transaction between the College and an immediate family member or Affiliate, or any other matter in which the Trustee, Officer or



Administrator has an interest.

2. Exerting influence on the decision to purchase or lease property, equipment or materials for the College from an immediate family member or Affiliate of the Trustee, Officer or Administrator.
3. Using College students, staff, resources or facilities for personal gain or benefit or for the benefit of an immediate family member or Affiliate.
4. Using confidential information for personal gain or benefit or for the benefit of an immediate family member or Affiliate.
5. Establishing specifications for a product or service in a manner that would preclude persons or entities other than Affiliates or immediate family members of the Trustee, Officer or Administrator from submitting a competitive bid for an equivalent item.
6. For a Trustee, Officer or Administrator, or any immediate family member thereof, to accept from an organization, firm or individual doing or seeking to do business with the College any of the following: commissions; a share in profits; gifts in cash; gifts of merchandise of more than nominal value; loans or advances (other than from established banking or financial institutions); materials, services, repairs or improvements at no cost or at unreasonably low prices; excessive or extravagant entertainment; and travel.
7. For an Affiliate or immediate family member of any Trustee, Officer or Administrator to enter into any contract with the Board or the College, except with the prior knowledge and consent of the Board of Trustees and compliance with applicable provisions of the Ethics Act.
8. For an Officer or Administrator to receive additional compensation through a grant program or other third party funding source for performing work that is an integral part of said individual's normal job duties and responsibilities.
9. Direct or indirect involvement in the hiring, supervision, performance evaluation, compensation or retention of an immediate family member.

*\*Policy approved by Erie County Community College Board of Trustees:*

**April 14, 2021**

**March 22, 2023**

*\*Review Deadline: **March 22, 2028***





Resolution to Approve the Academic Calendar for 2023-2024 Academic Year

Information

The proposed 2023-2024 Academic Calendar is being presented for approval to create the academic framework for teaching and learning at the College. The calendar is representative of the full academic year from the student's perspective with the addition of a designated winter semester that can be used to offer additional classes during the winter break. At this time, no plans for classes have been planned but the designation of the semester on the academic calendar allows for the opportunity to do so in the future.

Recommendation

The Academic Committee recommends that the Board of Trustees approve the 2023-2024 Academic Calendar as submitted.



2023-2024 Academic Calendar (Proposed)

**Fall Semester 2023: August 21 – December 8**

Fall A

Mon	Aug 21	First Day of Fall A Session
<b>Mon</b>	<b>Sep 4</b>	<b>Labor Day (College Closed)</b>
Fri	Sep 8	Fall Semester Census Day
Fri	Oct 13	Last Day of Fall A Session
Fri	Oct 20	Final Grades Available for Fall A Session

Fall B

Mon	Oct 16	First Day of Fall B Session
<b>Thu-Fri</b>	<b>Nov 23-24</b>	<b>Thanksgiving Holiday (College Closed)</b>
Fri	Dec 8	Last Day of Fall B Session
Fri	Dec 15	Final Grades Available for Fall B Session

**Mon-Mon Dec 25-Jan 1 Winter Break (includes Christmas Day & New Year Day recognitions)**

**Winter Semester 2024: December 11, 2023 – February 2, 2024**

Tue	Jan 2	Winter Semester Begins
<b>Mon</b>	<b>Jan 15</b>	<b>Martin Luther King, Jr. Day (College Closed)</b>
Fri	Feb 2	Winter Semester Ends
Fri	Feb 9	Final Grades Available for Winter Semester

**Spring Semester 2024: February 5 – May 31**

Spring A

Mon	Feb 5	First Day of Spring A Session
Fri	Feb 23	Spring Semester Census Day
Fri	Mar 29	Last Day of Spring A Session
Fri	Apr 5	Final Grades Available for Spring A Session

**Mon-Fri Apr 1-5 Spring Break**

Spring B

Mon	Apr 8	First Day of Spring B Session
<b>Mon</b>	<b>May 27</b>	<b>Memorial Day (College Closed)</b>
Fri	May 31	Last Day of Spring B Session
Fri	Jun 7	Final Grades Available for Spring B Session

**Summer Semester 2024: June 5 – August 1**

Wed	Jun 5	First Day of Summer Semester
<b>Wed</b>	<b>Jun 19</b>	<b>Juneteenth (College Closed)</b>
<b>Thu</b>	<b>Jul 4</b>	<b>Independence Day (College Closed)</b>
Thu	Aug 1	Last Day of Summer Semester
Thu	Aug 8	Final Grades Available for Summer Semester



Resolution to Approve the College 2023-2024 Recognized Holiday Calendar

Information

The following is the proposed College 2023-2024 recognized holiday calendar based on the 2023-2024 Academic Calendar in Board Report #23-16.

**COLLEGE CALENDAR – HOLIDAYS/DAYS OFF**

July 1, 2023 – June 30, 2024

Independence Day	Monday, July 4, 2023
Labor Day	Monday, September 4, 2023
Thanksgiving Day & Day After	Thursday & Friday, November 23-November 24, 2023
Winter Break/No Classes	Monday – Monday, December 25, 2023-January 1, 2024
Dr. Martin Luther King, Jr.	Monday, January 15, 2024
Spring Break/No Classes	Monday – Friday, April 1 – April 5, 2024
Memorial Day	Monday, May 27, 2024
Juneteenth	Wednesday, June 19, 2024

Recommendation

It is recommended that the Board of Trustees approves the College 2023-2024 Recognized Holiday Calendar as presented above.

Resolution to Approve Board Member Travel to San Diego, CA for AGB 2023 National Conference on Trusteeship for the Amount to Be Determined by the Board of Trustees

Information

Chairperson Cheryl Rush Dix is requesting approval for travel expenses for the AGB 2023 National Conference on Trusteeship in San Diego, CA. The conference runs from Sunday April 2, 2023 and ends Tuesday April 4, 2023.

The Travel Request Form and the AGB Conference Schedule follow this report for the Trustee's review.

Recommendation

It is recommended that the Board of Trustees reviews the expense budget for approval and creates a Board of Trustee travel policy.

## TRAVEL REQUEST FORM

Name: Cheryl Rush Dix

<input type="checkbox"/>	Employee
<input checked="" type="checkbox"/>	Trustee
<input type="checkbox"/>	Student
<input type="checkbox"/>	Other: _____

Purpose of Trip: AGB 2023 National Conference on Trusteeship

Seminar  College Course  Workshop  Conference  Other: \_\_\_\_\_

Traveling From: Erie, PA/Buffalo, NY to San Diego, CA

Travel Dates: From Saturday, 4/1/23 to Tuesday, 4/4/23

Meeting Date(s): Sunday 4/2/23 to Tuesday, 4/4/23  
*Please attach business agenda*

**Event Fee/Registration**

Event Fee/Registration \$1,550.00

**Transportation: Mode of Travel**

Transportation \$1,520.00\*

- Air *(this is an average of 12 available flights through Delta & American Airlines)*
- Personal Vehicle\* *Attach print-out of online route with miles*
- Rental Car\*\* *Attach estimated cost.*

**Lodging**

Lodging \$ 1,042.88

# of Days 4 at \$ 309 per night +12.5% tax      Name of Lodging Manchester Grand Hyatt

**Meals** *EC3 set per diem rate for meals is \$30.00/day*

Meals \$ 90.00

# of Days 3 at \$ 30 per day

**Ground Transportation**

Ground Transportation \$ 172.00

- Ground Transport/Taxis (estimate, for length of stay)
- Long Term Hotel Parking (\$15 a day)
- Rental Car\* *(Only if necessary between lodging and meeting location on multiple days)*
- Yes  No *Attach estimated cost.*

**TOTAL (estimated) COST OF TRAVEL \$4,374.88**

\*Does not include all tips, taxes, or fees

Approvals  Yes  No

Yes  No

\_\_\_\_\_  
 Division Vice-President

\_\_\_\_\_  
 President

*Changes made to this travel request after approval must be submitted in writing with business justification.*

<b>OFFICE USE ONLY</b>	
<b>Cost Center #</b>	<b>Amount</b>

**AGB 2023 National Conference on Trusteeship: Schedule**  
**April 2–4, 2023**  
Manchester Grand Hyatt San Diego  
San Diego, CA

**Sunday April 2**

**8:30am-11:45am** Strategy Summit

**12:30pm-3:30pm** Bootcamp for New Trustees and Orientation Leaders

Speakers:

Carol A. Cartwright, trustee, Heidelberg University Board of Trustees; president emeritus, Kent State University and Bowling Green State University; AGB senior fellow

Jill Derby, chair, American University of Iraq Sulaimani Board of Trustees; past chair, Nevada Board of Regents; senior fellow, AGB; ambassador, AGB Council of Board Chairs

**4:00pm-5:30pm** Govern Strategically: Boards as Consequential Thought Partners in the New Normal (Welcome Remarks and Opening Plenary Session)

Opening Remarks:

Eleanor V. Horne, member, The College of New Jersey Board of Trustees; member, AGB Board of Directors  
Henry Stoeber, president and CEO, AGB

Speakers:

Altresha Burchett-Williams, vice president of compliance oversight, AT&T Services, Inc.

David Huntley, senior executive vice president and chief compliance officer, AT&T Inc.; trustee, Southern Methodist University Board of Trustees

Shirley M. Malcom, regent, Morgan State University; trustee, California Institute of Technology

William G. Tierney, university professor emeritus and founding director of the Pullias Center for Higher Education, University of Southern California

David Wilson, president, Morgan State University; member, AGB Board of Directors

Moderator:

Cynthia Shapira, chair, Pennsylvania State System of Higher Education Board of Governors; vice chair, Brandeis University Board of Trustees; member, AGB Board of Directors

**5:30pm-7:00pm** Evening Reception and “Top Gun” Leadership

Speakers:

Ted Carter, president, University of Nebraska System; former superintendent, U.S. Naval Academy; former president, U.S. Naval War College

Janine Davidson, president, Metropolitan State University of Denver; former undersecretary of the U.S. Navy

Henry Stoeber, president and CEO, AGB

**Monday April 3**

**8:20am-9:20am** Trustee Peer Roundtables

1. Governance Committee (Public)
2. Governance Committee (Independent)
3. Finance Committee (Public)
4. Finance Committee (Independent)
5. Academic Affairs Committee (Public)
6. Academic Affairs Committee (Independent)
7. Student Affairs Committee (Public)
8. Student Affairs Committee (Independent)
9. Institutionally Related Foundations (Public)
10. Development/Advancement Committee (Independent)
11. Investment Committee (All)
12. Buildings and Grounds (Public)
13. Buildings and Grounds (Independent)
14. Search Committee (Public)
15. Search Committee (Independent)
16. Committee Restructuring (Public)
17. Committee Restructuring (Independent)
18. Diversity, Equity, Inclusion, and Belonging Committee/Taskforce (Public)
19. Diversity, Equity, Inclusion, and Belonging Committee/Taskforce (Independent)
20. Student Trustees and Representatives
21. Faculty/Staff Trustees and Representatives
22. Women Trustees
23. Predominantly White Institution Board Members of Color
24. LGBTQIA Trustees
25. Mission Committee (Independent)
26. Board & Committee Vice Chairs
27. HBCU Trustees
28. Board Professionals
29. Community College Trustees
30. Multi-campus System Trustees

**9:40am-10:40am** Concurrent Sessions I

**11:00am-12:00pm** Concurrent Sessions II

**12:15pm-1:00pm** Lunch and 2023 AGB John W. Nason Awards Recognition

**1:00pm-2:00pm** Govern for Student Success (Keynote Address)

Speaker:

Danette Howard, trustee, Howard University; global education philanthropy professional; executive in residence, USC Race and Equity Center; former senior vice president and chief policy officer, Lumina; former Secretary of Higher Education, State of Maryland

**2:00pm-2:30pm** Dessert and Affinity Networking in the AGB Experience

**2:40pm-3:40pm** Concurrent Sessions III

**4:00pm-5:00pm** Plenary: An Economic Outlook and Environmental Scan for Higher Education

Board Report #23-18  
March 22, 2023

**Tuesday, April 4**

**7:15am-9:15am** Open Meeting of the AGB Council of Board Chairs (Chairs and Vice Chairs Only)

**8:00am- 9:00am** Concurrent Sessions IV

**9:20am-10:20am** Concurrent Sessions V

**10:45am-11:45am** Govern for Talent (Closing Plenary Session)





Information Report: Human Resources/Diversity Office

HUMAN RESOURCES

Summary of Employee Count

- Total full-time and part-time active faculty and staff, 53\*, as of 3/17/2023  
\*Includes 17 adjuncts active in the first month of the Spring 2023 semester; excludes adjunct faculty not presently teaching

Separations, Promotions & Transfers

None in February and thus far this month, March.

Personnel Committee

The Personnel Committee met on 3/13/2023.

New Hires

None

Incoming Hires

<b>Name</b>	<b>Status</b>	<b>Position</b>	<b>Start Date</b>
Nicholson, Erik	PT	Adjunct, CIS	April 1, 2023
Olsson, Patricia	PT	Adjunct, Music	April 1, 2023
Smith, Sierra	PT	Adjunct, Psychology	April 1, 2023
Walker, John	PT	Adjunct, Business	April 1, 2023
Culver, Garrett	PT	Adjunct, CIS	April 1, 2023

Open Positions

- School Custodian, FT
- Adjunct Faculty - *Ongoing for applicant pool*



OFFICE OF DIVERSITY

March 2023

*National Women's History Month*

Email shares to students and employees of women who have made (and continue to make) history. This includes local, Erie-area women (such as former Mayor Joyce Savocchio and Rubye Jenkins-Husband). Also shared/posted on our informational TVs.

Social media posts celebrating women.



Information Report: Workforce Development

Information

Workforce Coordinator Doug Massey and has been actively meeting and forming partnerships with businesses from various industries throughout the Erie County region who have an interest in collaborating with EC3. The companies listed in this report are new businesses, additional meetings and partnerships that have taken place since the February 2023 board meeting.

Upcoming Trainings

AAAI Group Fitness Certification	Started March 17, 2023, with a cohort of 7
SMAW Stick Welding Training	Started March 17, 2023, with a cohort of 8
Fiber Optics Installer Training	On schedule to start in April 2023

**Workforce Partnerships/Updates**

- **Erie Insurance:** A partnership is forming with EC3 Workforce Development and Erie Insurance to develop an apprenticeship program that would provide pathways for individuals of diverse backgrounds to the insurance industry and employment at Erie Insurance. Workforce Development is currently working on a proposal for the initiative.
- **NAIP:** A partnership is forming with the National Association of Insurance Professionals to develop a training program for insurance licensing for individuals of color. The training will offer certificates in Auto, Home, and Life Insurance.
- **City of Erie Redevelopment Authority:** A proposal is in process for lead paint abatement training for the remediation of blighted properties throughout the City of Erie. The research for the initiative is nearly complete.
- **VNet:** The Fiber Optics Installer Tech program is scheduled to start in April 2023. Agreements are currently under review. EC3 will host the training with an anticipated cohort size of 10.



## Minutes for Meeting Book - February 22, 2023 Board of Trustees Regular Meeting

02/22/2023 | 05:00 PM - (GMT-05:00) Eastern Time (US & Canada)

EC3 Erie West

### College/Other Attendees (11)

President Chris Gray PhD; Assistant to President/Secretary to the Board Renée Triana; Treasurer/Controller Philip Forte; Vice President Guy Goodman; Vice President William Jeffress; Dean Dr. Stuart Blackwell; Dean Dr. Keri Bowman; Dean Rebecca Walker; HR Director Luisa Heifner; IT Director Chris Ray (Zoom); Solicitor Tim Wachter.

### Call to Order

Time: 5:02pm

### Roll Call

Trustee	Roll Call
Justin Gallagher	Not Present
Kurt Hersch	Y
Robert Merrill	Y
Dave Mitchell	Y
Rev. Dr. Charles Mock	Not Present
Msgr. David Rubino	Y
Vice Chairperson Christina Vogel	Y
Secretary Annette Wagner, M.D.	Y @ 5:10pm
Chairperson Cheryl Rush Dix	Y

### Pledge of Allegiance

## Approval of January 25, 2023, Regular Meeting Minutes (pg. 15-35)

Trustee	Motion 1	Vote
Justin Gallagher		Not Present
Kurt Hersch		Y
Robert Merrill	2	Y
Dave Mitchell	1	Y
Rev. Dr. Charles Mock		Not Present
Msgr. David Rubino		Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

The minutes were approved unanimously via voice vote.

### Public Participation

None

### Communication

**A. President's Report**-Dr. Gray notified the Trustees that he would start each President's Report with a Mission Moment that relays the different ways the College is meeting our mission in situations that are happening every day at the College between staff, faculty, and students. Dr. Gray continued to point out that enrollment is strong, and that the College is outpacing where we thought it would be, with the expectation that it will continue to increase with the 2nd 8 week of classes. Dr. Gray is looking for upfront feedback from the Trustees concerning the invitation list for the College's first commencement on June 3, 2023.

Dr. Gray thanked those in the room that have contributed to the College's success in the accreditation journey and who are feverishly working to meet the April 1<sup>st</sup> submission date. He further elaborated that there is a good chance the College could be a candidate for accreditation by the end of 2024. Dr. Gray also discussed various workforce initiatives and negotiations that the College is in actively engaging in.

**B. Personnel Committee**-Chairperson Vogel informed the Trustees that the committee met on February 13th for their monthly meeting. She said the committee is looking at the entire benefit structure of the College since the initial benefits were put in place quickly to meet the

College's opening date. The committee is looking at other Community College's that are comparable to ours and making sure that EC3 has competitive offerings.

**C. Finance Committee**-Trustee Hersch provided the Trustees with the Finance Committee report in Trustee Gallagher's absence. The committee reviewed year-to-date financials for January 2023 versus the approved fiscal budget. There is an expectation that income statement and balance sheet will be made available quarterly for FY based on the new budget format Treasurer Forte is building. The committee also reviewed the January check register and expenses. It was decided that the check register should also categorize expenses including a notation for future items that are one-time, non-recurring expenses. There was also a discussion on the efficacy of our marketing dollars. Dr. Gray suggested a future board presentation.

#### **D. Ad Hoc Committees**

1. **Site Committee**-Chair Trustee Mitchell informed the Trustees that the committee met briefly just prior to tonight's Board meeting and discussed the lease at Erie County Technical School's Skills Center. He also noted that the St. Benedict's Education Center was set to expire at the end of the calendar year and the site committee would begin considering options to serve the east portions of the County. The charge of the Board is to look at the criteria that are required for the college and come back to the committee for feedback and review.

The site committee will also consider the architectural feasibility study recently completed for the Erie West campus. The feasibility study will serve as the initial basis for the creation of a Facilities Master Plan which is the next logical step after securing the West campus. The committee will review and make recommendations on how to proceed developing the Facilities Master Plan.

2. **Advisory Committee**-Chair Reverend Mock was not present at the meeting, but Trustee Mitchell read an update from Trustee Mock. The Community Advisors committee is meeting Wednesday, March 1<sup>st</sup> at 5pm. As a reminder the Quarterly Breakfast is going to be March 14<sup>th</sup> at 7:30am in the Founder's Room 307 where key stakeholders will be present to hear College updates. Please forward the invitation out to anyone who may have an interest.

**E. Chairperson of the Board-** Chairperson Rush Dix noted her activities for the month of February which included the following:

- President & BoT Chair Weekly – Monday mornings, 9:00am: date and format revised, as needed
- February 15, 2023 – MicroMold Tour & Press Conference
- February 16, 2023 – UPMC Foundation Breakfast
- February 24, 2023 - Accreditation team meeting observer
- February 27, 2023: TEAM Consortium scheduled

Chairperson Rush Dix also informed the Board that their Association of Governing Boards [AGB] membership is active. And confirmed that the date of Board retreat is Saturday, March 11<sup>th</sup> from 9am-4pm. The Board will contribute to the ARR development (due April 1<sup>st</sup>) pending Retreat & Education sessions. There will also be a follow up session to complete Board tasks in the third quarter.

**F. Other-**None

### **Presentation Review of EC3 Key Performance Indicators**

Guy Goodman, Vice President of Academic and Student Affairs presented a review of the Key Performance Indicators (KPI). The KPI's were last presented at the October 26, 2022 Board meeting and an update including Fall 2023 was requested by the Board at a previous meeting. The plan is to give the Board an update following the end of each semester. Today's presentation is covering KPI 1-3 and Vice President Goodman hopes to hit on KPI's 4 & 5 at the end of next semester. \*See Exhibit A for Vice President Goodman's presentation.

It was noted that the college added an additional recruiter and that the Academic and Student Affairs area is actively using the Strategic Enrollment Management Plan (SEM) that was presented to the Trustees at the April 27, 2022, Board meeting. The team is spreading awareness by attending community events, fairs, festivals, and college fairs as much as scheduling allows for their small staff. The additional recruiter gives the College the ability to apply more targeted hours in the rural communities.

Mr. Goodman said that there are currently 5 high school students enrolled in the College through the Dual Degree program with the Erie School District, but is hoping to have more

students enrolled in the program once similar programs are developed with other high schools in Erie County.

Vice Chairperson Vogel asked what the Trustees could do to support these recruiting efforts. Dr. Goodman responded that word of mouth is still the best way to educate the public that we are a comprehensive community college serving as a provider of academic instruction and a major supplier of vocational preparation and workforce development. The College will continue to build strong, on-going relationships with the high schools; reach out to special populations.

Guy Goodman clarified that the 5 high school students are included within the numbers provided and withdrawn students are removed from the numbers in the beginning of the semester.

**Consent Agenda (pg. 6-8)**

A. Resolution to Amend Board Policy V. A. 2: Academic Standing  
Board Report #23-09

Trustee	Motion 2	Vote
Justin Gallagher		Not Present
Kurt Hersch		Y
Robert Merrill		Y
Dave Mitchell		Y
Rev. Dr. Charles Mock		Not Present
Msgr. David Rubino	1	Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, M.D.	2	Y
Chairperson Cheryl Rush Dix		Y

The motion to approve the Consent Agenda 8.A was approved unanimously via voice vote.



**New Business-Resolution to Approve Lease for Network Equipment in the Amount of \$81,765.55 from PC Connection, Inc. Board Report #23-10 (pg. 9)**

Dr. Gray confirmed that the state would cover half of the expenditures in perpetuity.

Trustee	Motion 3	Vote
Justin Gallagher		Not Present
Kurt Hersch		Y
Robert Merrill		Y
Dave Mitchell	2	Y
Rev. Dr. Charles Mock		Not Present
Msgr. David Rubino		Y
Vice Chairperson Christina Vogel	1	Y
Secretary Annette Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

The motion passed unanimously via roll call vote.

**New Business-Resolution to Enter into an Agreement with the Erie Community Foundation to Establish the Community College of Erie County Special Projects Fund Board Report #23-11 (pg. 10)**

The Trustees asked for clarity of this motion. Solicitor Wachter explained that this is a legal structure whereas the Erie Community Foundation will function as the business partner to what would otherwise be EC3's foundation. Solicitor Wachter continued to explain that the Special Project Fund has more traditional investment opportunities. The money sits with the Erie Community Foundation, but the College has direct access to the funds. The College will review and approve where the money is invested. The investment portfolio is chosen by the College from the range of investments that the Erie Community Foundation has access to. The Erie Community Foundation takes a 1.1% fee for the administrative work which is less than what the College predicts it would cost to administer the funds ourselves. The College is allowed to access the principal funds as well as the additional interest earned. Dr. Gray thanked the Erie Community Foundation for their flexibility in the negotiations with establishing this fund and their desire to see the College succeed.

<b>Trustee</b>	<b>Motion 4</b>	<b>Vote</b>
Justin Gallagher		Not Present
Kurt Hersch		Y
Robert Merrill		Y
Dave Mitchell		Y
Rev. Dr. Charles Mock		Not Present
Msgr. David Rubino		Y
Vice Chairperson Christina Vogel	2	Y
Secretary Annette Wagner, M.D.	1	Y
Chairperson Cheryl Rush Dix		Y

The motion passed unanimously via roll call vote.

### **Future Agenda Items/Summary Comments by Board Members**

Trustee Mitchell and Solicitor Wachter reminded the board that it was time to compile their Statement of Financial Interests and turn them into Ms, Triana by May 1st.

Dr. Gray noted the College's "Live here. Learn here." Campaign and welcomed ideas from the trustees in ways to communicate the campaign.

Dr. Gray also notified the Board that Commencement plans are being formed and will be discussed at the next meeting.

### **For Information**

The

### **Executive Session**

None

## Motion to Adjourn

Time: 6:04pm

Trustee	Motion 5	Vote
Justin Gallagher		Not Present
Kurt Hersch	1	Y
Robert Merrill		Y
Dave Mitchell	2	Y
Rev. Dr. Charles Mock		Not Present
Msgr. David Rubino		Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

The motion to adjourn the meeting passed unanimously via voice vote.

**Next Regular Meeting March 22, 2023, at 5:00PM**