



Minutes for * Meeting Book - September 27, 2023 Board of Trustees Annual Meeting

09/27/2023 | 05:00 PM - (GMT-05:00) Eastern Time (US & Canada)

EC3 Erie West

Attendees (12)

President Chris Gray Ph.D.; Executive Assistant to the President/Secretary to the Board Renee Triana; Vice President Guy Goodman; CFO Frank Moore via Zoom; Treasurer Dennis Matthews via Zoom; Vice President William Jeffress; Dean Keri Bowman; Dean Stu Blacklaw; Dean Rebecca Walker; HR Director Luisa Heifner; IT Director Chris Ray via Zoom; and Solicitor Tim Wachter.

Call to Order

Time: 5:01pm

Roll Call

Trustee	Roll Call
Justin Gallagher	Y via Zoom
Kurt Hersch	Y
Robert Merrill	Y
Rev. Dr. Charles Mock	Y
Msgr. David Rubino	Y
Dr. Michael Victor	Y
Vice Chairperson Christina Vogel	Y at 5:04pm
Secretary Annetee Wagner, M.D.	Not Present
Chairperson Cheryl Rush Dix	Y

Pledge of Allegiance

Approval of August 23, 2023 Regular Meeting Minutes (pg. 31-38)

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

The motion to approve the August 23, 2023 Regular Meeting Minutes was passed unanimously via voice vote.

Public Participation

None

Communication

6.A. President's Report-President Gray welcomed new CFO Frank Moore who comes to the College from Bucks County Community College. Dr. Gray pointed out the number of technology tickets that have been received and closed out in the month of August and gave kudos to the small staff of two that work diligently in the IT department.

Dr. Gray then turned the floor over to Solicitor Wachter who presented meeting schedule options to the Board. The solicitor gave the Trustees four options for the meeting schedule of the full board.

The first option was 3-4 regular meetings a year with an annual meeting. The second option is hold 6 regular meetings a year and an annual meeting. The third option is to hold nine regular meetings and an annual meeting-removing the July and December meetings. With the following three options the Finance Committee would meet monthly; the Executive Committee would meet in the off months; and the Academic and Personnel Committees would meet as needed. Solicitor Wachter noted the work of the committees is on an as needed basis with no minimum or maximum in the bylaws.

The fourth option would be to hold six regular meetings and an annual meeting. Then hold a committee of the Whole (non-voting) meetings in the off months. The committee of the Whole would recommend action items for the Trustee meeting. The Finance Committee would meet half an hour prior to the meeting of the Whole. There would be no formal Executive Committee although the Chairperson and Vice Chairperson would work with the

President to set the agendas. The Academic and Personnel Committees would meet as needed.

Solicitor Wachter told Trustees that a Special Meeting can be called at any time with proper public notice if special issues arise outside of the normal meeting schedule. The regular and annual meeting schedule, once established, would be advertised once in the beginning of the year.

Chairperson Rush Dix shared slides from the AGB conference she attended in March (**Exhibit A**). AGB reported that in 2020 the average number of board meetings for a public institution was 7.7. She also stated that meetings could go longer if the Trustees meet less frequently and the meeting time of 5pm may possibly need to change to accommodate this length. Trustee Victor noted he could meet at different times within the day including the morning.

Dr. Gray had no recommendation on the changes and was looking for direction from the Trustees.

Vice Chairperson Vogel stated that the Trustees should at least drop the July meeting (there is currently no December meeting). Trustee Victor concurred. Trustee Msgr. Rubino was in favor of the first option, 3-4 meetings per year. Trustee Victor then said he would be in favor of 6-9 meetings per year. Solicitor Wachter confirmed that the bylaws currently state that there are six regular meetings a year with an annual meeting in September. He also confirmed that the annual meeting could be combined with the regular meeting in September to only have a total of six meetings.

Solicitor Wachter summarized the voices of the Trustees stating the feedback was that the Trustees would like six regular meetings a year with September being a combined regular and annual meeting on the same night. Dr. Gray noted that after analyzing the Board agendas over the last two years most new business has been related to academic items and leases.

The Trustees will be polled to determine the days of week and times of day that they are available for Committee and Board meetings. Dr. Gray said that it would be beneficial for operations if Committee meetings were held at standard times.

6.B. Personnel Committee-Chair Vogel noted the committee met September 11, 2023. They reviewed and are putting forward for approval the new business to amend College Policy II.A.1: Policy Against Discrimination and Harassment and went into executive session for the purposes of personnel matters. There were no other questions or comments.

6.C. Finance Committee-Chair Gallagher welcomed the new CFO, Frank Moore, pointed to the finance reports, and reported that the committee met on September 18, 2023. There were no additional questions or comments.

6.D. Chairperson of the Board-Chairperson Rush Dix reported the events she attended on behalf of the College and congratulated Trustee Victor on his recognition from Mercyhurst University.

Agenda Order

Chairperson Rush Dix notified the trustees that the agenda was going out of order and that agenda item #13 Election of Officers was going to come next before the following agenda items/motions: Item #7 New Business-Resolution to Amend Board Policy Against Discrimination and Harassment Board Report #23-42, Item #8 New Business-Resolution to Adopt the Charter and Appoint the Initial Members of the Erie County Community College Champions Board Report #23-44, Item #11 Executive Session for the Purposes of Real Estate, and Item #12 Resolution to Approve Lease Agreements.

Election of Officers

A.1 & A.2 Nominees for Temporary Chairperson, Motion to Close the Nominations, and Election of Temporary Chairperson

The current sitting Board Secretary, Annette Wagner, M.D, is not present so Vice Chairperson Vogel took over electing the Temporary Chairperson.

Current Chairperson Rush Dix nominated the current Vice Chairperson Vogel to be the Temporary Chairperson. The nomination was seconded by Trustee Msgr. Rubino. No other nominations were presented.

The motion to close nominations & elect Temporary Chairperson.

Trustee	Motion 6	Vote
Justin Gallagher	1	Y
Kurt Hersch	2	Y
Robert Merrill		Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino		Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annette Wagner, M.D.		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to close the nominations and elect current Vice Chairperson Vogel as the Temporary Chairperson was passed unanimously via voice vote.

B.1 & B.2 Nominees for Chairperson, Motion to Close the Nomination, and Elect the Chairperson

Trustee Mock nominated the current Chairperson Rush Dix to continue her term. The nomination was seconded by Trustee Hersh. No other nominations were presented.

The motion to close nominations & elect the Chairperson.

Trustee	Motion 7	Vote
Justin Gallagher		Y
Kurt Hersh	2	Y
Robert Merrill		Y
Rev. Dr. Charles Mock	1	Y
Msgr. David Rubino		Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to close the nominations and elect Chairperson Rush Dix for another term was passed unanimously via voice vote.

C.1 & C.2 Nominees for Vice Chairperson, Motion to Close the Nomination, and Elect the Vice Chairperson

Trustee Gallagher nominated Trustee Victor as Vice Chairperson. The nomination was seconded by Trustee Mock. No other nominations were presented.

The motion to close nominations & elect the Vice Chairperson.

Trustee	Motion 8	Vote
Justin Gallagher		Y
Kurt Hersh	2	Y
Robert Merrill	1	Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino		Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to close the nominations and elect Vice Chairperson Victor was passed unanimously via voice vote.

D.1 & D.2 Nominees for Secretary, Motion to Close the Nomination, and Elect the Secretary

Chairperson Rush Dix nominated Trustee Kurt Hersh for Board Secretary. The nomination was seconded by Vice Chairperson Victor. No other nominations were presented.

The motion to close nominations & elect the Board Secretary.

Trustee	Motion 9	Vote
Justin Gallagher		Y
Kurt Hersh		Y
Robert Merrill		Y
Rev. Dr. Charles Mock	1	Y
Msgr. David Rubino	2	Y
Vice Chairperson Dr. Michael Victor		Y
Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to close the nominations and elect Secretary Hersh was passed unanimously via voice vote.

Solicitor Wachter confirmed that per the College bylaws the treasurer is an appointed staff member, currently Dennis Matthews, who was appointed at the April 26, 2023 Board of Trustee meeting.

Affirmation/Reappointment of Committee Structure

No action required

New Business-Resolution to Amend Board Policy II.A.1: Policy Against Discrimination and Harassment Board Report #23-42 (pg. 6-24)

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

The resolution to amend board policy II.A.1: Policy Against Discrimination and Harassment was unanimously approved via voice vote.

New Business-Resolution to Adopt the Charter and Appoint the Initial Members of the Erie County Community College Champions Board Report #23-44 (pg. 25-27)

Trustee Vogel asked if there were defined terms for Champion board members. Per the solicitor, the charter will be reviewed annually and term limits for Champion board members can be added or amended at that time.

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

The resolution to adopt the charter and appoint the initial members of the Erie County Community College Champions was approved unanimously via voice vote.

Future Agenda Items/Summary Comments by Board Members

Trustee Hersch inquired if the officer terms were the right level of tenure in fear of losing institutional knowledge. Solicitor Wachter referred to the bylaws Article IV.b.2 Election of Officers which states-Officers of the Board will serve one (1) year terms commencing at the annual meeting and concluding at the next annual meeting, or until their successors are duly elected. All officers are eligible for election for up to two (2) consecutive terms in the same office. Trustees who have previously served in an office is eligible to serve again in the same office provided they have not served in such office for an interval of two (2) consecutive years. The topic could be discussed when the bylaws are up for review.

For Information

Trustees reviewed the information,

Executive Session

The Trustees recessed into executive session for the purposes of real estate at 5:57pm. At 6:30pm the Trustees declared that they had returned from the executive session.

New Business-Resolution to Approve Lease Agreements

Leases for Regional Skills Center Building at the Erie County Technical School and with the Benedictine Sisters of Erie Inc. were submitted for approval as presented via Board Report #23-47 and #23-48 with no additional discussion.

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

The resolution to approve lease agreements with Erie County Technical School and the Benedictine Sisters of Erie Inc. were approved unanimously via roll call vote.

Motion to Adjourn

Time: 6:32

Trustee	Motion 10	Vote
Justin Gallagher		Y
Secretary Kurt Hersch	1	Y
Robert Merrill		Y
Rev. Dr. Charles Mock	2	Y
Msgr. David Rubino		Y
Vice Chairperson Dr. Michael Victor		Not Present
Christina Vogel		Y
Annettee Wagner, M.D.		Not Present
Chairperson Cheryl Rush Dix		Y

The motion to adjourn was approved unanimously via voice vote.

Next Regular Meeting October 25, 2023 at 5 pm



COMMUNITY
COLLEGE

Board of Trustees

Regular and Annual Meeting

September 27, 2023

EC3 Erie West

Founders Room

2403 W. 8th St.

Erie, 16505

Meeting ID: 864 7949 2792 Passcode: 113651



Meeting Book - September 27, 2023 Board of Trustees Annual Meeting

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1. Call to Order

 2. Roll Call

 3. Pledge of Allegiance

 4. Approval of August 23, 2023 Regular Meeting Minutes (pg. 31-38)

 5. Public Participation

 6. Communication
 - A. President's Report
Chris Gray, Ph.D.
 - B. Personnel Committee
Vice Chairperson Christina Vogel
 - C. Finance Committee
Trustee Justin Gallagher
 1. Year to Date Budget Summary 2023-2024 (pg. 4)
 2. August 2023 Bank Reconciliation (pg. 5)
 - D. Chairperson of the Board
Chairperson Cheryl Rush Dix

 7. New Business-Resolution to Amend Board Policy II.A.1: Policy Against Discrimination and Harassment Board Report #23-42 (pg. 6-24)

 8. New Business-Resolution to Adopt the Charter and Appoint the Initial Members of the Erie County Community College Champions Board Report #23-44 (pg. 25-27)

 9. Future Agenda Items/Summary Comments by Board Members

 10. For Information
 - A. Human Resource/DEI Board Report #23-45 (pg. 28-29)
 - B. Workforce Development Board Report #23-46 (pg. 30)

 11. Executive Session for the Purposes of Real Estate

 12. New Business-Resolution to Approve Lease Agreements

13. Election of Officers

A. Temporary Chairperson

1. Nominees for Temporary Chairperson and Motion to Close Nominations
2. Election of Temporary Chairperson

B. Board Chairperson

1. Nominees for Board Chairperson and Motion to Close Nominations
2. Election of Board Chairperson

C. Board Vice Chairperson

1. Nominees for Board Vice Chairperson and Motion to Close Nominations
2. Election of the Board Vice Chairperson

D. Board Secretary

1. Nominees for Board Secretary and Motion to Close Nominations
2. Election of Board Secretary

14. Affirmation/Reappointment of Committee Structure

- A. Executive Committee
- B. Academic Committee
- C. Finance Committee
- D. Personnel Committee

15. Motion to Adjourn

16. Next Regular Meeting October 25, 2023 at 5 pm

Erie County Community College
YEAR-TO-DATE OPERATING & CAPITAL BUDGET REPORT
Fiscal Year 2023-24 as of August 31, 2023

	YTD Actual	YTD Budget	Actual vs. Budget	% Variance
OPERATING & CAPITAL REVENUES				
Student Tuition	\$ 522,025	\$ 126,256	\$ 395,769	313.5%
Student Technology Fee	2,500	7,891	(5,391)	-68.3%
Student General Fee	107,988	11,837	96,151	812.3%
Other Student Fees	-	14,000	(14,000)	-100.0%
Tuition from Noncredit Programs	-	35,333	(35,333)	-100.0%
County of Erie	1,000,000	1,000,000	-	0.0%
Commonwealth of PA - Operating	-	738,666	(738,666)	-100.0%
Commonwealth of PA - Recurring Capital	-	343,255	(343,255)	-100.0%
Commonwealth of PA - SS Reimbursemen	122,425	20,000	102,425	512.1%
UAA Grant Reimbursement	-	1,907	(1,907)	-100.0%
Miscellaneous Income	21,241	10,333	10,908	105.6%
Total Operating & Capital Revenues	\$ 1,776,179	\$ 2,309,478	\$ (533,299)	-23.1%
APPLICATION OF FUNDS				
Salaries	\$ 526,903	\$ 538,693	11,790	2.2%
Staff Benefits	101,344	208,599	107,255	51.4%
Other Expenses	57,841	184,656	126,814	68.7%
Contracted	62,893	37,867	(25,026)	-66.1%
Insurance	49,335	13,333	(36,002)	-270.0%
Travel	216	7,833	7,618	97.2%
Maintenance & Repairs	-	3,760	3,760	100.0%
Marketing	75,512	84,458	8,947	10.6%
Contingency	-	33,333	33,333	100.0%
Reserves	-	83,333	83,333	100.0%
Other Designated	-	21,250	21,250	100.0%
Leased Equipment & Software	45,553	161,016	115,463	71.7%
Facility	65,946	212,750	146,804	69.0%
TOTAL EXPENSES	\$ 985,543	\$ 1,590,882	\$ 605,339	38.1%
Surplus/(Deficit)	\$ 790,636	\$ 718,597	\$ 72,040	10.0%

Erie County Community College
Confirmation of Bank Statement Reconciliations

	Community College of Erie County
Currency	USD
All EC3 Statements - Beginning Date	8/1/2023
All EC3 Statement - End Date	8/31/2023
Bank Statements Status - Reviewed & Reconciled	Reconciled

Balances	
FNB	Current Balances
7/31/2023	
Operating	\$ 1,914,216.28
Savings Account	\$ 1,134,960.49
CD	\$ 1,513,161.06
	\$ 4,562,337.83

*
*
*

Marquette	
Marquette - Same Balance as on July 2022	\$ 29,728.73

Receivable - Funds State and County	
Erie County - Quarterly Funding	
State PDE - Leases 50%	
	\$ -

* All Bank Statements have been Reconciled	
Projected as at Today 8/31/2023	\$ 4,592,066.56



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

Information

A proposed amendment under II.A.1 Policy Against Discrimination and Harassment section II. Policy, D. Important Information Regarding Prohibited Conduct, 5. Consensual Sexual or Romantic Relationships is presented to the Board for review.

In reviewing the policy related to consent and non-consent, the Personnel Committee found that there was a loophole allowing consensual relationships to occur between faculty and students, even though it was "strongly discouraged" otherwise. This change also addresses the conduct by any staff or faculty member with supervisory authority over another. The amended wording clarifies this expectation.

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

Recommendation

The Personnel Committee recommends 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 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

Phone: 814-413-7000

Coordinator: Vice President of Academic and Student Affairs

C. Included Conduct Prohibited by this Policy

The following conduct is prohibited by this policy:

1. Sexual Harassment, defined as follows:

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



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

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

- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or any other aide, benefit or service of the College;
 - Language or behavior of a sexual nature;
 - Sexually explicit statements, questions, jokes or teasing;
 - Unnecessarily touching, panting, hugging or brushing against a person’s body or unwelcome advances;
 - Remarks of a sexual nature regarding a person’s clothing, body, sexual activity, previous sexual experience, or sexual orientation;
 - Repeated requests for dates or social interaction made through verbal requests, social media, texts, notes telephone calls, facsimiles, e- mails, or other electronic communication;
 - Visual displays of inappropriate sexual images;
 - Removal or exclusion from participation based upon gender or sexual orientation; and
 - Attempted or actual incidents of Sexual Assault, Sexual Violence, or any of the other conduct prohibited by this policy.
- c. Sexual Violence:** Sexual violence is physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including Sexual Assault.
- 2. Relationship Violence is a broad term that includes the following behavior :**
- a. Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.
Note: Dating Violence is not defined under Pennsylvania law.
- b. Domestic Violence:** Domestic Violence is a felony or misdemeanor crime of violence committed by:
- 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.

D. Important Information Regarding Prohibited Conduct

1. Consent

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

2. Prohibited Conduct Through Different Communication Mediums

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

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

3. Attempting, Assisting, or Encouraging Prohibited Conduct

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

4. Retaliation

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



violation of this policy will be subject to disciplinary action.

5. Consensual Sexual or Romantic Relationships

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

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

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

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

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

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

~~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.~~

E. Confidentiality

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

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

III. REPORTING VIOLATIONS OF THIS POLICY

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

E-mail: TitleIX@ec3pa.org

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

September 27, 2023

Review Deadline: **September 27, 2028 ~~March 23, 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

Phone: 814-413-7000

Coordinator: Vice President of Academic and Student Affairs

C. Included Conduct Prohibited by this Policy

The following conduct is prohibited by this policy:

1. Sexual Harassment, defined as follows:

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



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

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

- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or any other aide, benefit or service of the College;
 - Language or behavior of a sexual nature;
 - Sexually explicit statements, questions, jokes or teasing;
 - Unnecessarily touching, panting, hugging or brushing against a person’s body or unwelcome advances;
 - Remarks of a sexual nature regarding a person’s clothing, body, sexual activity, previous sexual experience, or sexual orientation;
 - Repeated requests for dates or social interaction made through verbal requests, social media, texts, notes telephone calls, facsimiles, e- mails, or other electronic communication;
 - Visual displays of inappropriate sexual images;
 - Removal or exclusion from participation based upon gender or sexual orientation; and
 - Attempted or actual incidents of Sexual Assault, Sexual Violence, or any of the other conduct prohibited by this policy.
- c. Sexual Violence:** Sexual violence is physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including Sexual Assault.
- 2. Relationship Violence is a broad term that includes the following behavior :**
- a. Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.
Note: Dating Violence is not defined under Pennsylvania law.
- b. Domestic Violence:** Domestic Violence is a felony or misdemeanor crime of violence committed by:
- 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.

D. Important Information Regarding Prohibited Conduct

1. Consent

As used in this policy, the term "Consent" means words or actions that show a knowing and voluntary agreement to engage in mutually agreed sexual activity. Consent must be ongoing throughout sexual activity and can be revoked at any time. Silence or absence of resistance will not necessarily

imply consent. Assent (an affirmative statement or action) shall not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of their intoxication, unconsciousness, youth, mental deficiency or incapacity (also known as "Incapacitation"), or if the assent is the product of threat, force, or coercion. Consent to prior sexual activities does not constitute

consent to future acts. Consent to engage in sexual activity with one person does not imply consent to engage in

sexual activity with another person.

2. Prohibited Conduct Through Different Communication Mediums

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

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

3. Attempting, Assisting, or Encouraging Prohibited Conduct

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

4. Retaliation

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



violation of this policy will be subject to disciplinary action.

5. Consensual Sexual or Romantic Relationships

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

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

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

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

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

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

E. Confidentiality

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

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

III. REPORTING VIOLATIONS OF THIS POLICY

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

E-mail: TitleIX@ec3pa.org

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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

September 27, 2023

Review Deadline: **September 27, 2028*



Resolution to Approve the Charter of the Erie County Community College Champions and
Ratification of the Board Nominees

Information

The Charter of the Erie County Community College Champions as prepared by Solicitor Tom
Tupitza.

Ratification of the Nominees to the Erie County Community College Champions by
recommendation of the Trustees.

Ronald DiNicola
Erin Kerner
Karen Thomas
David Tullio

Recommendation

It is recommended that the Board of Trustees approves the Charter of the Erie County
Community College Champions as presented and ratify the nominees.



CHARTER ERIE COUNTY COMMUNITY COLLEGE CHAMPIONS

1. PURPOSE.

- 1.1 General.** The Erie County Community College Champions (“Champions”) have been established by the Board of Trustees (“Board”) of the Erie County Community College (“College”) to advance the College’s mission through the development of relationships with funders, alumni, and the public at large. The Champions will work to maximize philanthropic support for the College and assist the President of the College and the Board in fulfilling their vital roles in this effort.
- 1.2 Authority.** The Champions have been formed under Article V, Section B of the College’s Bylaws, which provides that *“The Board of Trustees may, in consultation with the President, create advisory groups, which may include non-Trustee members, to serve without compensation to assist the Board and/or President on focused subjects. Such groups shall not be authorized to take official action or render advice on matters of College business for purposes of the Sunshine Act.”*
- 1.3 Interface with Fund at The Erie Community Foundation.** Funds raised through the efforts of the Champions will, unless otherwise directed by the Board, be deposited in “The Community College of Erie County Fund” (“Fund”) established on July 12, 2023 with The Erie Community Foundation (“Foundation”) as a non-endowed “special projects” fund under pooled investment management. The agreement with the Foundation provides that *“Distributions from the Fund may be made by the Erie Community Foundation Board, upon request by the President...(i) exclusively to the [College] and (ii) for the purpose of providing support to the [College] in whatever capacity deemed necessary by the [College] Board of Trustees.”* Accordingly, the Champions will have no formal authority or role in the distribution of funds raised.

2. ORGANIZATION AND OPERATIONS.

- 2.1 Review of Charter.**
This charter will be reviewed at least annually by the Champions and recommended changes will be submitted to the Chair of the Board for ratification by the Board. The Board may modify this charter at any time.
- 2.2 Membership.**
The Champions will select their own members, subject to ratification of nominees by the Board. The Champions will elect a Chair of the Champions. The Chair of the Board will appoint a non-voting representative to the Champions. Any



member of the Board may attend Champions meetings, without voting privileges. A quorum at a meeting consists of a majority of voting members.

2.3 Staff Designee.

The College staff member with responsibility for institutional advancement, appointed by the President, will be the staff liaison to the Champions (“Liaison”).

2.4 Meetings.

Meetings of the Champions will be held at least quarterly.

2.5 Minutes, Reports and Agendas.

The Chair of the Champions, in conjunction with the Liaison, will be responsible for preparing agendas for Champions meetings. The Liaison will be responsible for preparing and retaining minutes of Champions meetings, and for distributing minutes of the previous meeting in advance of the next scheduled meeting. Periodic reports to the Board will be coordinated by the Board Chair’s appointed representative, the Liaison, and the Chair of the Champions.

3. RESPONSIBILITIES.

- 3.1** Assist with all aspects of a comprehensive fundraising program for the College, including annual giving, capital giving, planned giving, major giving, alumni giving, and foundation and corporate support;
- 3.2** Work with the Liaison to assure that the College has a clear set of fundraising objectives, goals and priorities;
- 3.3** Educate Board members as to their responsibilities both as donors and as volunteers in fundraising efforts;
- 3.4** Assure that the cultivation, stewardship, and recognition of donors is consistent with the culture of the College;
- 3.5** Facilitate introductions for the President and Liaison to corporations or foundations with which the Champions have personal or professional contacts.

Adopted by the Board on _____, 2023.

2452123.v1



Information Report: Human Resources/Diversity Office

HUMAN RESOURCES

Summary of Employee Count

- Total full-time and part-time active faculty and staff, 52*, as of 9/24/2023.
*Includes adjuncts currently active Fall 2023 semester; excludes those not presently teaching

Separations, Promotions & Transfers

Separations:

- Mark Pushinsky (Custodian) – 8/4/2023
- Debbie Dell (Program Director, Allied Health Programs) – 9/15/2023

Promotions and Transfers:

None in August, and thus far this month, September.

New Hires

Name	Status	Position	Start Date
Parkin, Emma	PT	Student Tutor	8/31/2023
Kraus, Ryan	PT	Student Tutor	8/31/2023
Musawi, Sayyed	PT	Adjunct, Sociology	9/18/2023
Woods, Rebecca	PT	Adjunct, Psychology	9/18/2023
West, Amy	PT	Adjunct, American Politics	9/18/2023
Moore, Frank	FT	Chief Financial Officer	9/25/2023

Incoming Hires

None, as of 9/25/2023.

Personnel Committee

The Personnel Committee met on 9/11/2023. Next meeting will be on 10/16/2023.

Open Positions

- Accountant
- Bursar
- Custodian
- Program Director, Allied Health Programs
- Adjunct Faculty - *Ongoing for applicant pool*



OFFICE OF DIVERSITY

September 15 – October 15, 2023

Hispanic Heritage Month

Sept. 28th – Lunch & Learn: Hispanic, Latino, Latinx & Latiné?!

(Presenter: Luisa Heifner, EC3 HR Director)

October 2023

Learning Disabilities Awareness Month

Oct. 17th – Lunch & Learn: Understanding Students with a Disability

(Presenter: Andrea Campbell, EC3 Academic & Disability Counselor)

November 2023

Native American Heritage Month

Veterans Day (November 11th)

Nov. 8th – Lunch & Learn: Finding Joy in the Everyday

(Presenter: Robert Giannamore, EC3 Adjunct / Licensed Mental Health Counselor)

January 2024

Jan. 15th – Martin Luther King, Jr.'s birthday (holiday)

February 2024

Black History Month

Event planning in progress:

Date: TBD

Topic: Shades of Progress: Exploring Colorism in Black History

(Guests: Sonya Byes, Toni Mazanowski & TBD)



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 August 2023 board meeting.

Training Updates

Fiber Optics Installer Training
Lead Paint Abatement Training
QuickBooks

New Cohort Scheduled for October 2023
Started September 2023
Scheduled for October 2023

Upcoming Training

Spanish In the Workplace
Tax Preparer Training
QuickBooks

Workforce Partnerships/Updates

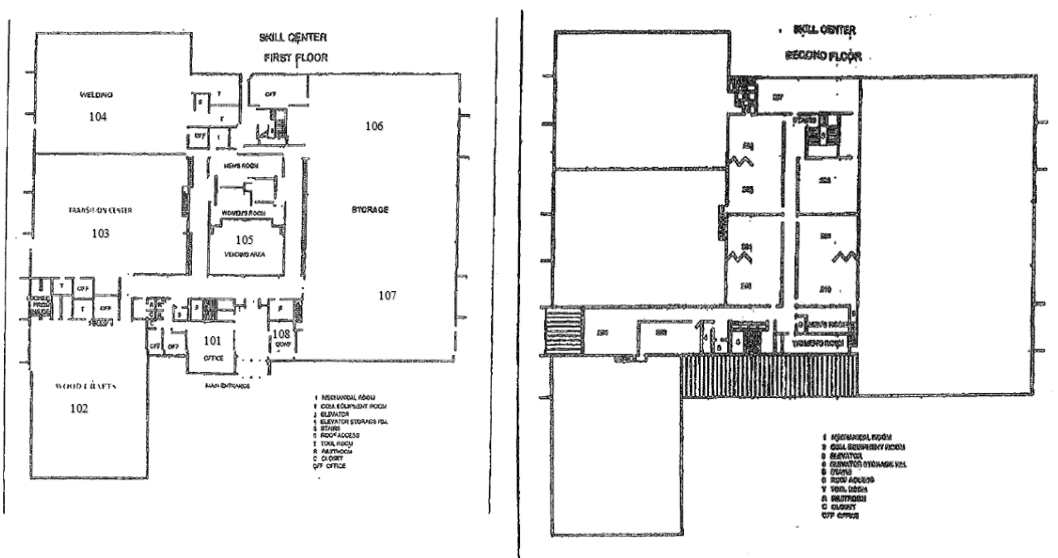
- **PA Auditor General Department:** EC3 met with the PA Auditor General Timothy DeFoor to discuss a partnership to develop a pipeline of future auditors. Mr. DeFoor toured the West Campus and met with Leadership and board members to share information on their plan to utilize community colleges for training and development and to recruit from the college. Mr. DeFoor also met with students and discussed opportunities that will be available to them. Mr. DeFoor will follow up with final plans in the near future.
- **Fiber Optics Installer Training:** The first Fiber Optics Installer training course was completed on October 16th. This was a pilot of the program which had 6 registered but had 2 complete the training with both receiving FBA certifications. Interest is building for the next cohort which is tentatively scheduled for October 18, 2023. Outreach to business partners to fill the next cohort is under way.
- **Erie Insurance:** The Erie Insurance Certified Insurance Service Representative (CISR) is moving forward. Kevin Ray from Erie insurance has completed due diligence on their end and is finalizing a plan that will be shared upon completion with hopes to start in spring 2024.

Resolution to Approve the Lease for the Regional Skills Center Building at the Erie County Technical School July 1, 2023-June 30, 2024

Information

EC3 is seeking approval to enter into a lease agreement with the Erie County Technical School Regional Skills Center Building spaces designated as 104, 205/206 and the paved grounds area designated on Exhibit 1 runs from July 1, 2023 to June 30, 2024 in the fixed amount of \$3,700 per month with the right to renew up to five additional terms. EC3 will have the right to install signs on the exterior of the building and on the road adjacent to the driveway. The lessee and lessor have the right to add future spaces to this agreement at a mutually agreed fixed amount.

Exhibit 1



Recommendation

It is recommended that the Board of Trustees approves the lease agreement with the Erie County Technical School for the Regional Skills Center as presented.

Resolution to Renew the Lease Between EC3 and The Benedictine Sisters of Erie Inc. From January 1, 2024-December 31, 2024

Information

EC3 is seeking approval to renew the lease agreement with the Benedictine Sisters of Erie Inc. for spaces on the third floor of the property at 330 East 10th Street including rooms 301, 303, 305, 306A & B, 307, 308, and the restrooms of the three-story educational and community resource building and 4 off-street parking spaces for an annual term, January 1, 2024-December 31, 2024 for \$77, 400.

Recommendation

It is recommended that the Board of Trustees approves the renewal of the lease agreement with the The Benedictine Sisters as presented.



Minutes for Meeting Book - August 23, 2023 Board of Trustees Regular Meeting

08/23/2023 | 05:00 PM - (GMT-05:00) Eastern Time (US & Canada)

EC3 Erie West

College/ Other Attendees (7)

President Chris Gray PhD; Assistant to the President/Secretary to the Board Renee Triana; Vice President Guy Goodman; Vice President William Jeffress; Dean Rebecca Walker; HR Director Luisa Heifner; Solicitor Tim Wachter

Call to Order

Time: 5:05pm

Roll Call

Trustee	Roll Call
Justin Gallagher	Y via Zoom
Kurt Hersch	Y
Robert Merrill	Y
Rev. Dr. Charles Mock	Y via Zoom
Msgr. David Rubino	Y
Dr. Michael Victor	Y
Vice Chairperson Christina Vogel	Y
Secretary Annette Wagner, M.D.	Y
Chairperson Cheryl Rush Dix	Y

All Trustees were present.

Pledge of Allegiance

Approval of July 26, 2023 Regular Meeting Minutes (pg. 12-16)

Trustee	Motion 1	Vote
Justin Gallagher		Y
Kurt Hersch	1	Y
Robert Merrill		Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino		Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.	2	Y
Chairperson Cheryl Rush Dix		Y

The motion to approve the July 26, 2023, regular meeting minutes passed unanimously via voice vote.

Public Participation

None

Communication

A. President's Report- Dr. Gray reported that he was attending the County Council's Finance meeting tomorrow where the Committee will vote to award EC3 \$2M in a collaboration between the county, LECOM, UPMC, and AHN. These funds, doubled by our RACP funds, will allow us to realize Nursing and Allied Health training facilities to support the recently approved programs of CAN, PCT, LPN, and DMS.

Dr. Gray spoke of his PACCC Council of President's Retreat that occurred on August 8th and 9th where Dr. Kate Shaw, Deputy Secretary and Commissioner of Postsecondary and Higher Education, Pennsylvania Department of Education was a guest speaker. Dr. Shaw will be visiting EC3 to meet with Dr. Gray on September 1st as one of the stops as she tours Pennsylvania.

B. Finance Committee-Committee Chairperson Gallagher pointed to the usual finance reports within the meeting packet. Trustee Gallagher noted the one change that the Trustees will see is in financial summary (pg. 3) as this is the first opportunity to see financial (actual

and budgeted) variances with the new higher-level budget. He also said the Committee may continue to tweak the report with an additional column or 2. Trustee Gallagher also told the Trustees that the Committee is in the initial conversations of reviewing the College's tuition structure moving forward and that a recommendation will be coming forth at some point from the Committee.

C. Chairperson of the Board-Chairperson Rush Dix thanked Knox Law firm for the invitation to the Erie Club picnic and the chance to represent the College at the function. Chairperson Rush Dix also reported that she met with the President regularly in July and August. The Chairperson represented the College at the Erie Community Foundation Erie Gives Day Parking Lot Party on August 8th and thanked the Trustees who donated to the College on Erie Gives Day. She continued reporting that she was present on August 9th when the College hosted a tour for the County Commissioners and Brenton Davis. She also thanked Dean Rebecca Walker for her collaboration on an interview with RAND Research Group concerning the College's participation with Team Consortium. She reminded the Board of the Mercyhurst University Dedication in honor of Trustee Michael Victor on September 15th and that the AGB Board Orientation portal would close out on September 27th.

D. Other-There were no other reports.

New Business-Resolution to Extend the MOU between Erie School District and the Erie County Community College (EC3) from August 1, 2023-June 30, 2024 Board Report #23-39 (pg. 7)

Dr. Gray clarified that the instructor, equipment, and building all belonged to the Erie High School/Erie School District and that EC3 is using it until we can purchase our own equipment. It was also noted that the previously approved Industrial Maintenance program has not been offered yet because EC3 has not yet found the space to do so.

New Business-Resolution to Extend the MOU between Erie School District and the Erie County Community College (EC3) from August 1, 2023-June 30, 2024 Board Report #23-39 (pg. 7) CONTINUED

Trustee	Motion 2	Vote
Justin Gallagher		Y
Kurt Hersch	2	Y
Robert Merrill		Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino	1	Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

The resolution to extend the MOU between ESD and EC3 from 8/1/2023-6/30/2024 passed unanimously via voice vote.

Future Agenda Items/Summary Comments by Board Members

Trustee Msgr. Rubino said he would like the Trustees to consider meeting less frequently as the College is moving out of start up mode. Trustee Msgr. Rubino stated that staff can carry out policy set forth by the Board and that the Board should not be involved in the operations of the College. He also noted that the Committees could take up much of the work.

Chairperson Rush Dix mentioned that the AGB conference recommended 3-6 meetings per year. Solicitor Wachter reviewed the College bylaws which state that “Regular meetings shall be held at least six (6) times per year, on such dates and at such times and locations as are directed by the Board”. They also state that an annual meeting is to be held during the month of September each year where the Board will elect it’s officers. There was discussion on how to amend the bylaws should the Trustees decide to do so, on how meetings would be called complying with the Sunshine Law requirements, and on the cost of publishing multiple notices in the newspaper.

The Trustees agreed it should be a discussion item on next month’s Annual Meeting agenda so that regular meetings can be set up following the October 2023 Regular Meeting. They

asked to have a white paper guideline from the solicitor concerning any legal information they may need.

For Information

No comments

Executive Session

Motion to recess into Executive Session for the purposes of personnel matters at 5:48pm.

Trustee	Motion 3	Vote
Justin Gallagher		Y
Kurt Hersch	1	Y
Robert Merrill	2	Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino		Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

The Trustees voted unanimously to recess into Executive Session for the purposes of personnel matters.

Motion to Amend the August 23, 2023 Regular Meeting Agenda

The Trustees returned from Executive Session at 6:50pm. There was a motion to amend the agenda to approve the contract terms as discussed in Executive Session and agreed to by the President, to authorize the Personnel Committee to finalize contract language with the President, and to direct and authorize the Chair of the Trustees to execute the final contract as approved by the Personnel Committee. The agenda was amended to add this item at this time as the Trustees and the President finalized the terms of a contract during the Executive Session.

Trustee	Motion 4	Vote
Justin Gallagher		Y
Kurt Hersch		Y
Robert Merrill		Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino	1	Y
Dr. Michael Victor	2	Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

Motion to amend the August 23, 2023 Regular Meeting Agenda was approved unanimously via voice vote.

Motion to Approve the President's Contract Terms

Motion to approve the contract terms as discussed in Executive Session and agreed to by the President, to authorize the Personnel Committee to finalize contract language with the President, and to direct and authorize the Chair of the Trustees to execute the final contract as approved by the Personnel Committee.

Trustee	Motion 5	Vote
Justin Gallagher		Y
Kurt Hersch	1	Y
Robert Merrill	2	Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino		Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

Motion to approve the President's contract terms was approved unanimously via voice vote.

Motion to Adjourn

Time: 6:52pm

Trustee	Motion 6	Vote
Justin Gallagher		Y
Kurt Hersch	1	Y
Robert Merrill		Y
Rev. Dr. Charles Mock		Y
Msgr. David Rubino	2	Y
Dr. Michael Victor		Y
Vice Chairperson Christina Vogel		Y
Secretary Annettee Wagner, M.D.		Y
Chairperson Cheryl Rush Dix		Y

Next Annual Meeting September 27, 2023 5PM