

**MINUTES OF THE ORANGE COUNTY COMMUNITY COLLEGE
BOARD OF TRUSTEES' MEETING
Wednesday, February 18, 2015
Gilman Center, Library, Middletown Campus**

Present: Chair H. Ullrich, Vice-Chair M. Murphy, Secretary F. Watson, J. Wolfe, R. Krahulik, T. Hunter, G. Mokotoff, D. Benson, A. Reid

Absent:

I. CALL TO ORDER – Chair Ullrich called the meeting to order at 5:05 PM.

II. CONSENT AGENDA

Chair Ullrich requested a motion to approve the Consent Agenda:

- A. Approval of regular minutes from January 21, 2015
- B. Approval of Petty Cash Reimbursements and Financial Statements for January 2015
- C. Approval of Tenure Retirement Memo

<u>Faculty</u>	<u>Discipline</u>	<u>Years of Service</u>	<u>Effective</u>
Eileen Drabik*	Professor Nursing	24	May 2015

*At the same time, the Board granted the approval of Professor Emeritus for her 24 years of dedicated service to the College.

Ann Verschuuren*	Assistant Professor Diagnostic Imaging	20	May 2015
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*At the same time, the Board granted the approval of Professor Emeritus for her 20 years of dedicated service to the College.

In addition, the Board granted that she receive the early retirement incentive.

A motion was made to accept consent agenda for approval.

Wolfe/Krahulik
Unanimous

III. PRESIDENT'S REPORT (President Richards):

- Enrollment is now down 2.7% and once all is counted, enrollment will be approximately 2% down.
- A review team has been appointed to review Start-up New York applications and will be chaired by VP Cazzetta. Other members of the committee are Judy Osburn, Grants Director; Jo Ann Hamburg; and representatives from the Orange County Partnerships, Hudson Valley Economic Development Corporation and the Orange County Accelerator. They will review applications as they are received.
- President Richards commended VP Bernier, VP Smith and Comptroller Hamburg who have negotiated a service contract with ITEC (Information Technology Exchange Center) Overall, for the next several years, the savings will be in the area of \$250,000. ITEC will replace hardware and software that the College would have had to replace and they are a SUNY unit. The College will continue to look for other outsourcing opportunities for anything that a partner can do more efficiently

- or effectively than the College can. This will release IT employees to attend to student and faculty needs, benefiting the College.
- Sadly, the College has lost 3 students recently: Chelsey Lynne Samoila, Nicholas Kay, and Christina “Tina” Marie Kolb. Tina was in her last semester, in good standing and would have graduated in May. In accordance with College policy, Tina is eligible for a posthumous degree and her family will be asked if they would like to receive her degree at the May Commencement.

IV. **REPORT OF THE COLLEGE GOVERNANCE SYSTEM** – Michelle Tubbs

- Executive Committee convened a working group about 3 weeks ago to draft a response to Governor Cuomo’s comments regarding community colleges in his State of the State address. The response that group drafted was presented to and discussed by Executive Committee this afternoon. A few revisions will be made and the final draft will be circulated to Assembly for review at the end of the week and presented to them at their meeting next Monday for approval. Additionally the Student Senates will also be endorsing the response letter at their Senate meetings tomorrow. If approved by the Assembly next Monday, Ms. Tubbs will be sending the letter to Governor Cuomo, and will send a copy to local politicians and other appropriate constituents next Tuesday.
- The Campus Safety & Security Committee is currently working on assessing the implementation of the new Tobacco Policy. The committee will be writing a report that contains observations from the College community of what is working well with the new policy and what is not, suggestions for revisions to the new policy and suggestions for better enforcement of the tobacco policy. The plan is for this report to be ready for the Board to review and discuss at their April 15th board meeting.
- Governance constituents are very much looking forward to meeting the Presidential finalists at the forums scheduled during their visits and sharing their feedback with the Search Committee and Board. There are two items that faculty & staff have inquired about regarding the presidential finalist’s campus visits and forums:
 - What will be the mechanism for forum participants to provide feedback for the candidates? And who will that feedback go to?

Trustee Wolfe indicated that there is a mechanism in place that will allow the search committee and Board to review the feedback from the College Community. The feedback will be collected at all forums during the candidates’ visits and be given to the Board of Trustees.

- When will the finalists’ names be shared?

Trustee Wolfe noted that the names will be published prior to the visits and the College Community will have time to review bios.

V. **REPORT OF THE STUDENT TRUSTEE** – Allison Reid

- Middletown

Student Senate

- Annual Colt Night Leadership Program is in the process of being scheduled. Plans are to focus on improving transition of club leadership between academic years.
- In the process of scheduling the first ICC (Inter-Club Council) meeting for this semester.
- Student Senator Juan Soriano was awarded the SUNY Leadership Award at the end of January.
- Last month concerns were brought up by the students about The Student Central “One Stop”. Advice was given to work with the Student Senate to look for ways to

Improve the “One Stop Center”. Senator Kaitlyn VanDalen and I are currently working with Student Services to address student concerns to better improve the “One Stop”.

Board of Activities (BOA)

- Due to all of the snow days BOA had their first meeting Monday, February 16th.
- Club Fair was held on February 17th, even after being rescheduled twice there was an overall total of 25 Clubs/Organizations that participated in this event.
- Saturday, February 21st @ 8pm BOA is showing the movie Big Hero 6 in the Physical Education Building (Open Invitation) and trustees are welcome to attend.

➤ Newburgh

Student Senate

- Health and Wellness Fair February 5th. The Senate provided a presentation and brochures to the students about wellness, and also had food donations by local vendors. It was very well attended.
- Newburgh Senate officially extended Library operation hours to 8 a.m. - 8 p.m.
- Newburgh students are very appreciative of the new pool table and all of the extra items donated. The pool table is being put to good use. Newburgh is also discussing updating the Game Room hoping it will attract more students to use it.

Board of Activities (BOA)

- Has met twice this semester, and are co-sponsoring with the student senate to have a black history month event. The CIDE Committee has provided a movie and money for refreshments.

VI. **OLD BUSINESS:** N/A

VII. **NEW BUSINESS:**

A motion was made to approve Items 1 through 6 below, dispensing of the formal reading of each of the policies. By one vote all 6 policies were approved, as presented in the board packet. The policies will be affixed to the minutes as evidence of what was formally approved.

BP 3.1: Equal Employment/Affirmative Action
BP 3.3: Harassment and Discrimination
BP 3.18: Affirmative Consent
BP 6.16: Drug and Alcohol Use Amnesty
BP 2.34: Campus Climate Assessment
BP 3.17: Child Protection

Krahulik/Watson
Unanimous

Chair Ullrich moved the formal reading of resolutions No. 7 and No. 8 to after committee reports

VIII. **BOARD CHAIR COMMENTS:**

- Chair Ullrich welcomed Foundation Board members Brenda Harburger, who is chair of the Marketing Committee and Jodi Yankanin, who sits on the Scholarship Committee and the Diversity Task Force.
- The March 11th board meeting will be held in Middletown and the board will meet with the Presidential Search Committee in an executive session and then vote on the final candidate. If there is snow, the meeting will be held on March 18th.
- Trustee Ullrich will be travelling between March 19th and March 26th but available via cell phone.

- The April 15th board meeting will be held in Newburgh and will include dinner with the Foundation Board.
- The May 20th board meeting will be held in Middletown.
- The Board Retreat will be held on June 4th at West Hills Country Club in the morning. In the evening there will be a farewell reception for Bill and Helen Richards from 5 – 7 PM and location has not been finalized. VP Cazzetta is working diligently to make sure that this event will be available to all of the College Community.
- The Sojourner Truth Awards take place on Friday, March 13th in the Edward Diana Physical Education building. The event honors high school youth from all over the county for a variety of academic and citizenship efforts, who are generally under-recognized students. Chair Ullrich encouraged board members to attend this wonderful event and she will be there.
- The Presidential Search committee has been working very hard and has chosen 4 finalists. Due diligence is being done and trustees will have made their decision on March 11th and the candidate will be offered a compensation package. Chair Ullrich has asked Trustees Krahulik, Watson, and Hunter to work with her on this negotiation. Carol Murray and Wendy Holmes, AVP for Human Resources will provide the team with information to assist the committee in their work, such as compensation of presidents at sister colleges and other items to be considered in the negotiation.
- The SUNY Orange Foundation's marketing committee developed the SUNY Orange logo a couple years ago. This year, the committee has a new print folio which will appear in Orange Magazine in June. It is a 4 page, 4 color, fold-out and will be available for use as an independent marketing piece. This is directed toward grass tops people, those that would be potential donors to the College and its scholarship funds.
- The Foundation's Scholarship Committee, which Jodi Yankanin sits on, and which is chaired by Kathy Frommer, works with the faculty scholarship committee to award scholarships to students. Last year, the Scholarship Committee awarded nearly \$300,000 in scholarships to students.
- The Foundation will be conducting Leadership Awards on April 22nd at the Rowley Center for Science and Engineering. Chair Ullrich encourages trustees to attend as this event honors members in the community who have shown leadership in various areas.
- The Foundation, at its last retreat, determined that it was not reaching out to under-represented minority communities in the County, both for purposes of fundraising as well as possibly scholarships, and board representation. It founded a diversity task force which Chair Ullrich chairs and a grant has been received by the Dyson Foundation. This grant will fund the use of a consultant who will help the Foundation to make sure the Foundation is talking to everyone in the County. Round 1 has taken place, which was a meeting with the consultant and board leadership. Round 2 will be a meeting with the full board in March and later in the spring, the task force will invite trustees to meet with it to discuss.
- The following items were distributed to trustees at places:
 - Facts at a Glance
 - Updated Board Meeting schedule
 - Spring Events List
 - BOT Bylaws which were updated by a committee chaired by Trustee Hunter
 - Minutes of November Finance and Audit Committee
 - Summary of Compliance Topics for the Committee of the Whole meeting

Presidential Search Committee Update:

Trustee Wolfe gave the following update:

- The Presidential Search committee spent two full days offsite to interview 10 candidates and has chosen 4 strong candidates.
- One of the candidates just dropped out of the search therefore the first candidate visit will be cancelled. A new schedule will be distributed.
- The search committee has done a phenomenal job and Trustee Wolfe noted that it was an honor to serve as chair of the committee.
- Trustee Wolfe encouraged the College community and the community at large to come to one of the forums.
- The Search Committee will meet with the board in Executive Session to give their comments to the board at the March 11th meeting.

Trustee Krahulik commended Trustee Wolfe for doing an outstanding job in chairing the presidential committee. He is very pleased with the process which proved to be a good one and very effective.

Trustee Wolfe commended Susan Boyhan for her hard work. Chair Ullrich also thanked Susan and Trustee Wolfe for their tireless efforts noting that they have both done an incredible job.

IX. COMMITTEE REPORTS:

Academic Programs and Services Committee: No report given

Audit and Finance Committee:

Trustee Krahulik gave the following report prior to a vote for approval of Tuition and Fee Schedule for AY 2015-2016:

The proposed budget for AY 2015-2016 was discussed at the meeting today. The surplus found has grown to \$2.8 Million and Trustee Krahulik congratulated the administration for this accomplishment in a challenging economic climate. While the financial picture does not look any better, due to these accomplishments, the Audit and Finance committee recommends a modest increase in tuition, of \$86.00 for AY 2015-2016. This is based on projections for revenue expenditures for next year.

The proposed fee schedule is for the most part identical to that of last year, with the exception of an increase in the technology fee.

A motion was made to accept the tuition increase of \$86 per academic year for full-time students and to adopt the proposed Tuition and Fee Schedule for AY 2015-2016:

Krahulik/Benson
8 Yes and 1 No

At this point, the following New Business was reviewed and discussed as follows:

NEW BUSINESS:

A motion was made to approve Resolution No. 7: Resolution of Recognition for Paul Broadie II, Vice President for Student Services

Ullrich/Wolfe
Unanimous

VP Broadie received a framed copy of this resolution and he thanked the board and President Richards for his guidance and leadership.

A motion was made to approve Resolution No. 8: Resolution of Recognition for Roz Smith, Vice President for Administration and Finance

Ullrich/Murphy
Unanimous

VP Smith received a framed copy of this resolution and she thanked her staff for all that they have done to support her. She thanked the board and the president for the opportunity to serve the College.

At this time, cake was enjoyed by all in honor of VP Broadie and VP Smith.

X. COMMENTS FROM THE PUBLIC: N/A

XI. BOARD DISCUSSION: N/A

XII. EXECUTIVE SESSION: N/A

A motion was made to adjourn the board meeting and begin the Committee of the Whole

Krahulik/Watson
Unanimous

Committee of the Whole Presentation:

Bridges Program Overview

Mike Gawronski, AVP for Health Professions

AVP Gawronski gave an update on the Bridges project, distributing a comprehensive binder to board members containing descriptions of all aspects of the program.

- The Bridges program is an educational program for individuals with learning differences
- Team members were introduced:
 - Flo Hannes, Chair of the Occupational Therapy Assistant Program
 - Mildred Consolo-Melchionne, Academic Field Work Coordinator for the Occupational Therapy Assistant Program.
 - Patricia Bassey, Graduate of the OTA program and Attorney
 - Naomi Brickel, Project Coordinator for the Hudson Valley Special Education Parent Center
- The team has been researching best practices, attending meetings at the state and national level, meeting with internal constituents at the College and developing estimates of salary, budgets, and benefits. Much work has been done both internally and externally and the committee has been seeking community input.
- The binder contains the presentation, a fast facts sheet, letters of support from the community, and the curriculum and layout of program design.
- The belief that is prevalent throughout communities across the US notes that individuals with learning differences have the right to experience post-secondary education in a way that is appropriate to meet their needs and advance their long term goals.
- More colleges across the US have been opening doors to students with learning differences due to the Higher Education Opportunity Act of 2008.
- While there are many programs in the United States, there are no colleges between Albany and Westchester that offer this type of program.
- Students with learning differences are those students with intellectual disabilities, autism spectrum disorders, and developmental disabilities.
- Bridges will focus on academic, life skills, networking, community building, vocational experiences, and will prepare students for employment and much more.

A discussion ensued regarding the Bridges program and it was decided that a decision on whether to go forward with the program at SUNY Orange will not be made until funding for the program has been determined. The program must be cost-prohibitive to the College and currently there are two sources identified as possibilities for seed funding. The focus will be on determining the finances for the program at which time it will be brought back to the board for discussion. President Richards and Chair Ullrich thanked the committee for their work.

2015 Compliance Topics

Wendy Holmes, AVP for Human Resources

Mark Parisi, Wellness Center Director

- A presentation was given on the many areas that the College must come into compliance with to satisfy the federal, state and SUNY guidelines for compliance. A summary of information was distributed containing description of the 9 items that the College must be in compliance with.

- The “Violence Against Women Act” (VAWA) was just updated by President Obama and contains all regulations that must be in place. The Clery Report is done every fall and there have been many changes to what needs to be reported. Title 9 has been in place for quite a while, but there are items that need to be updated.
- As a College, there are many items that must be done by the summer to incorporate the information in publications given to students and employees in the fall.
- Mr. Parisi noted that the overall message is that the College must make clear statements emphasizing that the College is against sexual violence, domestic violence and stalking. We must have procedures in place to help anyone who has been affected by any of these. As students are oriented at the College, they must be educated about these and the College must publish this in all areas of the College, noting resources available and the fact that the College policies are against any type of sexual violence.
- Many items are already in place, but the language must be uniform across SUNY, therefore our College must use the same language in our policies.
- The College must increase awareness, prevention and make sure resources are made available.
- Relationships with outside services must be in place and many of these relationships already exist.
- The College is already compliant with many of these mandates, but they must be formalized in our policies and education given to College staff.
- By the end of March, a plan will be sent to the Chancellor noting our plan to comply.
- AVP Holmes reiterated that the College has been working very hard at compliance, however SUNY has now mandated exactly what must be in our policies, without deviation. The College must tweak the policies which are currently in place so that they are consistent with the compliance mandate.
- President Richards noted that the College will need a Compliance Officer in the future and the hope would be to do this as part of the consortium with a shared compliance officer. He thanked AVP Holmes and Mr. Parisi for their hard work noting that he is pleased that the report in March will reflect very well on the College.
- AVP Holmes reviewed the Child Protective Mandate noting that the College already has a policy on reporting incidents; however SUNY has given further guidance as to what the College must be in compliance with. This mandate will protect any child who comes onto campus, is under the age of 17, and is given to us as a direct supervision. If someone is a matriculated student and enrolled in a class the College will not need to be concerned with this mandate. There are some other areas where we will need to be in compliance, such as camps held over the summer. At the last cabinet meeting, a small working group was appointed by the president, to determine what activities at the College would need to address this concern.

XIII. BOARD ADJOURNMENT: At 7:00 PM a motion was made (Benson/Watson) to end the meeting

Respectfully submitted,

Carol A. Murray
Secretary to the Board

***NEXT BOARD MEETING
Wednesday, March 11, 2015
Gilman Center, Library
Middletown Campus
5 PM***

Policy Number	Policy Title
BP2.34	Campus Climate Assessment

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment.

In accordance with State University of New York’s uniform sexual assault and prevention guidelines, SUNY Orange will conduct a uniform climate survey on an annual basis in order to analyze the prevalence and attitudes regarding sexual harassment, including sexual violence, and other related crimes.

The survey will assess student and employee knowledge about:

- The Title IX Coordinator’s role
- College policies and procedures addressing sexual assault
- How and where to report sexual violence as a victim/survivor or witness
- The availability of resources on and off campus, such as counseling, health, academic assistance
- The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a three year period
- Bystander attitudes and behavior
- Whether victims/survivors reported to the College, and reasons why they did or did not report

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

Adopted: Feb. 18, 2015

Policy Number	Policy Title
BP3.1	Equal Employment Opportunity/Affirmative Action

The College is committed to providing educational and employment opportunities to persons from diverse cultural heritages and backgrounds. The College believes all persons are entitled to equal employment opportunity and does not discriminate against employees or applicants because of race, color, religion, sex, age, veteran status, disability, national origin, sexual orientation, gender identity or any other legally protected status. Equal employment opportunity will be extended in all aspects of the employer-employee relationship, including, but not limited to, recruitment, hiring, training, promotion, transfer, demotion, compensation, benefits, layoff and termination. In addition, the College will make a reasonable accommodation to known physical or mental limitations of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on College operations. All employment-related policies, procedures and actions are designed to comply with applicable laws.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

Amended: Feb. 18, 2015

Policy Number	Policy Title
BP3.3	Harassment and Discrimination

SUNY Orange is committed to fostering a diverse community of faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual’s race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the College community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic.

This policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Officials and supervisors must take immediate and appropriate corrective action when instances of prohibited discrimination and/or harassment come to their attention to assure compliance with this policy. Each employee and student is assured that retaliation against an individual who makes a complaint or report under this policy is absolutely prohibited and constitutes, in and of itself, a violation of this policy. Any questions regarding the scope or application of this policy should be directed to the Associate Vice President of Human Resources.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

Amended: Feb. 18, 2015

Policy Number	Policy Title
BP3.17	Child Protection and Mandatory Reporting

SUNY Orange employees who witness or have reasonable cause to suspect any sexual abuse of a child occurring on SUNY Orange property--or occurring off-campus during official College business or College-sponsored events--shall have an affirmative obligation to report such conduct to SUNY Orange Safety and Security or any relevant local police department immediately.

SUNY Orange is also committed to protecting the safety and well-being of children who participate in College-related programs and activities, whether on or off campus, or who utilize campus facilities for activities including, but not limited to, sports camps, and academic and personal enrichment programs. The College will adhere to the State University of New York’s “Child Protection Policy” as follows:

Definitions:

Covered Activity: A program or activity sponsored or approved by the College or college affiliated organization, or an activity conducted by a vendor, licensee or permittee for which a license or permit for use of College facilities has been approved, occurring on or off campus, for the duration of which the responsibility for custody, control and supervision of children is vested in the College, College-affiliated organization or the vendor, licensee or permittee so approved. This policy is not applicable to the college's on-campus child care centers.

Covered Person: A person who is responsible for the custody, control or supervision of children participating in the Covered Activity and who is:

- i. an employee of the College or College-affiliated organization;
- ii. a College student;
- iii. a volunteer of the College or College-affiliated organization; or
- iv. a vendor, licensee, permittee or other person, who is given permission to come onto campus or to use College facilities for Covered Activities; or
- v. an employee, agent or volunteer of (iv) above.

Child: An individual under the age of seventeen years, who is participating in a Covered Activity. The term "child" shall not include a matriculated student of the College or a person accepted for matriculation.

Children's Camp: A camp defined under New York Public Health Law §1392.

Physical Abuse: Physical contact with a child by a covered person which is intended to cause, or causes, pain or physical injury, including punching, beating, shaking, throwing, kicking, biting and burning, or directing a child, outside the norm of the supervised activity, to perform physical activity which is intended to cause physical injury.

Sexual Abuse: Engaging in a sexual offense with a child and/or encouraging or promoting sexual performance by a child. Pursuant to the NYS Penal Law Articles 130, 263, and Sections 260.10 and 260.25, sexual offenses include: sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, course of sexual conduct against a child, facilitating a sex offense with a controlled substance, sexually motivated felony, predatory sexual assault against a child, and sexual performance by a child. This also includes Penal Law offenses relating to children including endangering the welfare of a child and unlawfully dealing with a child in the first degree. Sexual performance by a child, as defined by the Penal Law, is any behavior which results in touching of the sexual or other intimate parts of a child for the purpose of sexual gratification of the child and/or adult, including touching by the child and/or adult with or without clothing, and all acts as defined by New York State Penal Law Articles 130, 263 and Section 260.10.

Responsible College Official: The employee of the College or College-affiliated organization, who has been designated by the Campus under Campus Responsibilities.

College-affiliated organization: The campus foundation, campus alumni association, campus auxiliary services corporation, or any other entity so designated by the College President.

Prohibited Conduct

A Covered Person shall not:

- Be alone with a child, unless the Covered Person is a relative or guardian of the child, unless one-on-one contact is approved in accordance with a determination pursuant to of this policy. In no event shall a Covered Person, who is not a relative or guardian of a child, be alone with the child in a rest room, locker room, shower, sleeping area or vehicle.
- Engage in physical abuse or sexual abuse of a child.

- Engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs during Covered Activities.
- Enable, facilitate or fail to address a child's use of alcohol or illegal/non-prescribed drugs.
- Contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct.
- Offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct.
- Release a child from a Covered Activity without a written authorization from the child's parent or guardian.

Required Conduct

A Covered Person shall:

- Take all reasonable measures to prevent physical and sexual abuse of a child, including immediately removing a child from potential physical abuse, sexual abuse or prohibited conduct as defined herein.
- Report immediately any suspected physical abuse or sexual abuse of a child to the College's Security Department, and provide to the College's Security Department a written report of suspected physical or sexual abuse of a child. Other reporting requirements not addressed in this Policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred
- Comply with College policy BP3.17, "Reporting/Prevention of Child Sexual Abuse", available on the college's webpage under Board of Trustees Policy Manual.
- Complete all required training developed pursuant to this Policy.
- Wear and display prominently at all times during the Covered Activity a lanyard or other form of identification that identifies the individual as having the responsibilities of a Covered Person.

Responsible College Official

A Responsible College Official shall:

- Confirm that the requirements of this Policy have been communicated to Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
- Confirm that New York Sex Offender Registry and National Sex Offender Public Registry searches (as described in Campus Responsibilities, below) have been obtained and reviewed for Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
- Confirm that the completed Acknowledgement of the College's Child Protection form has been obtained from Covered Persons (iv) – (v) prior to the commencement of a Covered Activity.
- Immediately report allegations of physical abuse or sexual abuse of a child to the College's Security Department, and complete and provide to the College's Security Department a written report for each allegation of physical abuse or sexual abuse of a child. Other reporting requirements not addressed in this Policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.
- Notify and coordinate with appropriate campus offices to ensure that allegations of suspected physical abuse or sexual abuse are investigated and addressed appropriately.

- Confirm that required training on this Policy has occurred prior to the commencement of a Covered Activity for all Covered Persons who are employees, volunteers, students or agents of the college or a College-affiliated organization.

Campus Responsibilities

The College and each College-Affiliated organization shall develop procedures to:

- Designate a Responsible College Official for each Covered Activity.
- Determine on a limited basis that the first sentence of section D.1. of this Policy, which prohibits a Covered Person from being alone with a child, shall not apply to certain Covered Activities when the pedagogical or health-related nature of the Covered Activity requires such one-on-one contact with a child. Examples may include tutoring, music lessons, speech therapy, or dental services.
- Communicate the requirements of this Policy to Covered Persons (i) – (v).
- By May 15, 2015 and biennially thereafter, provide for and require training on this Policy for all Covered Persons who are employees, volunteers, students or agents of the State College or a College-affiliated organization prior to the commencement of a Covered Activity
- Obtain New York Sex Offender Registry and National Sex Offender Public Registry searches for Covered Persons who are employees, volunteers, students or agents of the State College or a College-affiliated organization and complete a review of such searches not more than ninety (90) days prior to the commencement of a Covered Activity.
 - A.) A search of the NY Sex Offender Registry means:
 - i. a search of the file of persons required to register pursuant to Article 6-C of the Correction Law maintained by the NY Division of Criminal Justice Services pursuant to NY Correction Law § 168-b for every level of sex offender (Level 1 through Level 3), which requires an email, CD or hard copy submission of names and identifiers to DCJS as described on the [DCJS website](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm) [url: http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm]; and
 - ii. retention of the records of the results of such search. Note that an internet search alone will not meet the requirements of this Policy.
 - B.) A search of the National Sex Offender Public Registry means:
 - i. a search by first and last name of the National Sex Offender Public Website maintained by the United States Department of Justice at this link: <http://www.nsopw.gov/>; and
 - ii. retention of the records of the results of such search.
 - C.) Provide for the prompt investigation and preparation of written findings by the College Security Department of reports of suspected physical abuse or sexual abuse, and if there is reasonable cause to believe a crime has been committed, coordination by the College's Security Department with other law enforcement officials.
 - D.) Provide a mechanism to report and respond to allegations of retaliation (as described below).
 - E.) Retain documentation of the search results from the New York and National Sex Offender registries for Covered Persons who are employees, volunteers, students or agents of the College or a College-affiliated organization for six (6) years after the covered person has separated from employment.

Retaliation

Retaliatory action against anyone acting in good faith, who has reported alleged physical abuse or sexual abuse in accordance with this Policy, or who has been involved in investigating or responding to allegations of physical or sexual abuse, or who has reported a failure to comply with this Policy, is a violation of this Policy. Retaliatory acts may include, but are not limited to:

- employment actions affecting salary, promotion, job duties, work schedules and/or work locations;
- actions negatively impacting a student's academic record or progress; and
- any action affecting the campus environment, including harassment and intimidation.

Third Party Use of College Facilities

The use of College facilities by vendors, licensees or permittees for commercial and non-commercial Covered Activities shall be accomplished pursuant to a revocable permit. The following minimum terms shall be included in all such revocable permits:

1. A specific definition of the areas accessible to the Covered Activity. For example, revocable permits for sporting events held on athletic fields should include the athletic field, as well as any ancillary areas or structures where minors will be permitted, such as adjacent grounds, parking lots, rest rooms, locker rooms, accessory structures, etc.
2. A provision requiring insurance coverage in the types and amounts listed below, naming the College as an additional insured, and requiring that evidence of such insurance be provided to the College within five (5) business days of execution of the revocable permit or at minimum two weeks (14 days) prior to the scheduled use of College facilities.
 - a. General Liability insurance two million dollars (\$2,000,000) each occurrence and two million dollars (\$2,000,000) in the aggregate;
 - b. New York State Workers' Compensation insurance during the term of the revocable permit for the benefit of permittee's employees required to be covered under the NYS Workers' Compensation Law.
 - c. For those instances in which a campus believes that the activity is so long or substantial and that the obtaining of such insurance will not unduly preclude beneficial use of the college' facilities, the campus should require additional insurance in the form of: Sexual Abuse and Molestation insurance, either under the above-described general liability policy or in a separate policy, with coverage not less than one million dollars (\$1,000,000). Any insurance coverage for sexual abuse and molestation insurance written on a claim made basis shall remain in effect for a minimum of six (6) months following the use of College facilities.
3. If the Covered Activity is a Children's Camp as defined in Section C of this policy, a provision requiring permittee to provide the College with a copy of its camp operator permit issued by the New York State Commissioner of Health, either upon execution of the permit or not later than two weeks (14 days) before the scheduled use of College facilities.
4. A representation and warranty from permittee that for all of its employees and volunteers, and employees and volunteers of its sub-permittees, who shall enter upon College facilities for purposes related to Covered Activity, permittee has conducted within the ninety (90) day period preceding the use of College facilities (i) a search of the NY Sex Offender Registry; and (ii) a search of the National Sex Offender Public website.
5. A representation and warranty from permittee that for all Covered Activities: (i) it shall adhere to the American Camp Association standards for minimum staff-to-child supervision ratios, minimum staff age and minimum staff accreditation requirements (available at: <http://www.acacamps.org/accreditation/stdsglance>); and (ii) that the overall supervisor for each Covered Activity is an adult with certification or documented training and experience in the Covered Activity.
6. A representation and warranty from permittee that any transportation it provides for participating minors to and from the College grounds shall conform to the American Camp Association's transportation standards (available at: <http://www.acacamps.org/accreditation/stdsglance>).

A provision requiring written acknowledgement from permittee that it has received a copy of the College's Child Protection Policy and agrees to abide by all of its terms, including its requirement that

any suspected physical or sexual abuse be immediately reported to the College Security Department.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

Amended: Feb. 18, 2015

Policy Number	Policy Title
BP3.18	Affirmative Consent

In accordance with the State University of New York, SUNY Orange adopts the following definition of affirmative consent:

Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Adopted: Feb. 18, 2015

Policy Number	Policy Title
BP6.16	Alcohol and/or Drug Use Amnesty in Sexual Violence Cases

The health and safety of every student at Orange County Community College is of great importance. SUNY Orange recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

SUNY Orange strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to College officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

Adopted: Feb. 18, 2015