

**SUNY CORNING COMMUNITY COLLEGE**  
**POLICY MANUAL**  
**October 2024**

**SUNY CORNING COMMUNITY COLLEGE  
POLICY MANUAL  
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# **ACADEMIC SERVICES**

## **ACADEMIC ASSESSMENT PLAN**

Resolution #2024-04

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the SUNY Corning Community College Academic Assessment Plan.

Approved: 05/18/04

Available: MyCCC: Faculty Tab; Assessment Resources:

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## ACADEMIC CALENDAR

### Resolution #3966-15

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approves the academic calendars for the 2014-15 and 2015-16 academic years.

Approved: March 2015

#### Replaced:

Resolution #4846-23

Resolution #3589-13

Resolution #3297-11

Resolution #2914-08

Resolution #2717-07

Resolution #2281-05

Resolution #1822-03

Resolution #1288-99

Resolution #1061-97

Resolution #577-92

Resolution #539-92

Resolution #459-01

Resolution #356-90

Resolution #248-89

Resolution #164-88

Resolution #5-86

No Resolution Number: Approved 04/24/85

No Resolution Number: Approved 07/25/84

Referenced: College Catalog

Available: MyCCC Welcome Page: **Academic Calendar**

### College Closings

If the college closes due to inclement weather or other emergency, an announcement will be posted on the CCC web site ([www.corning-cc.edu](http://www.corning-cc.edu)) and released to local radio and television stations. To avoid overloading campus phone lines, please check online or tune in to a media station in your area for information. You can sign up to receive text messages about college closings and emergencies on campus: **Text "ccc" to 31996.**

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## **ACADEMIC FREEDOM POLICY**

Resolution #2827-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Academic Freedom Policy.

Approved: 05/28/08

### **ACADEMIC FREEDOM POLICY:**

SUNY Corning Community College endorses the principles of academic freedom as set forth in the following statement by the American Association of University Professors and the Association of American Colleges:

- Teachers are entitled to full freedom in research and in the publication of the results subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the Institution.
- Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter, which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the Institution should be clearly stated in writing at the time of the appointment.
- College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public might judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the College.

Referenced: MyCCC: Human Resources: Policies & Bargaining Agreements:  
PECCC Contract

FREEDOM OF EXPRESSION & ASSEMBLY POLICY & PROCEDURE  
Resolution #4927-24

Effective Date: October 17, 2024	RBOT Resolution #4927-24 Freedom of Expression & Assembly Policy & Procedure
Issue/amendment Date:	Author: Student Development and Public Safety tailoring of SUNY draft to local policies and requirements

**Purpose**

The State University of New York (SUNY) respects and fully supports the rights of free speech guaranteed by the constitutions of the United States and the State of New York. SUNY values the free expression of ideas and supports individuals’ right to assemble.

SUNY Corning Community College developed this policy to provide meaningful opportunities for members of our community to express their views and to ensure that the time, place, and manner of such expression does not interfere with the safety and security of our campus community or disrupt the regular operations of the campus.

**Scope**

This content-neutral policy is applicable to all SUNY Corning Community College students.

**Policy**

SUNY Corning Community College (SUNY CCC) students are guaranteed the rights of free inquiry and expression. Subject to applicable content-neutral policy, students are guaranteed the right to hold public meetings and engage in peaceful and orderly assemblies—including, but not limited to, demonstrations, rallies, vigils, marches, and picketing—in and upon designated public areas of SUNY CCC grounds and buildings.

SUNY CCC designates the following as the public area for the purpose of peaceful and orderly assemblies: The College has designated a location on the main campus, 1 Academic Drive, Corning, NY. This College patio (the concrete slab area outside of the Commons Building at the intersection of the four corners walkway) is designated as the peaceful assembly location. The College chose this outdoor space because of its heavily trafficked pedestrian area, and it is not likely to interfere with classroom instruction.

SUNY CCC will not interfere with orderly assemblies in designated public areas of grounds and buildings unless participants engage in any of the following:

1. Conduct that prevents the orderly administration of College classes, lectures, meetings, interviews, ceremonies, and other campus events or College operations;

2. Conduct that obstructs the free movement of vehicles or of persons, including, but not limited to in any building or facility, inclusive of blocking hallways and doors;
3. Engage in conduct that could foreseeably cause injury or damage to persons or property;
4. Operation of audio amplification equipment in a manner that conflicts with normal College operations or that is deemed injurious to health and safety, or that is in violation of the Town of Corning ordinances;
5. Constructing or erecting structures, whether or not they are anchored, inclusive of screens and/or objects requiring penetration in concrete or grass, or camp on College grounds, and indoor and outdoor encampment is prohibited;
6. Possession and/or ignition of an open flame of any type, including, but not limited to, torches;
7. Assemblies lasting more than one day, duration not to exceed 8 hours in a one-day period, and assemblies between the hours of 7:00 PM and 8:30 AM are prohibited;
8. Activities that violate the provisions of SUNY Policy 3653, Rules for the Maintenance of Public Order; and
9. Activities that violate the provisions of any other applicable SUNY CCC, SUNY policy, local, New York State or federal law or regulation including but not limited to: Student Code of Conduct, Anti-Bullying Policy, Anti-Harassment Policy, Equal Employment and Educational Opportunity Policy, Title IX, Title VI, Children on Campus, Alcohol Use, Non-smoking Policy, Acceptable Use Policy, and Social Networking Policy.

In addition, the following activities are strictly prohibited:

1. Entry into any private office of an administrative officer, member of faculty, or staff member, or entry into any other College area that is not authorized, without permission;
2. Occupation of a building; and
3. Obstruction of any roadways running through or adjoining the College campus grounds.

All individuals participating in these assemblies are required to provide a form of College issued or government issued identification upon request from a College official. Except for health purposes, no participants will be permitted to wear masks with the intent of concealing their identity.

SUNY CCC takes compliance with this policy very seriously. Students should expect that violations of this policy will result in disciplinary action under the College's Student Code of Conduct, up to and including interim suspension, suspension, and expulsion. In addition, unlawful acts or behavior may result in criminal sanctions.

## **Procedures**

SUNY Corning Community College (SUNY CCC) respects and supports students' efforts to exercise their rights to free speech and assembly. The division of Student Development and Enrollment Management has designated the Office of Student Life to facilitate campus notification of these scheduled events.

Following College procedures will help ensure safe assembly activity. The College will make every effort to respond affirmatively to all requests to engage in assembly activity. However, content-neutral consideration must be given to the time, place, and manner of the assembly activity to ensure the health and safety of the participants and the noninterference with authorized College business, activities, or events.

## Black Out Periods

The College defines the black-out periods to include the following:

- During New Student Orientation Sessions
- During move-in days for campus housing
- During major recruitment events, including but not limited to: Open Houses
- During Final Exam periods
- During graduation-related activities and events, including awards ceremonies
- During periods when the College is officially

closed If you are planning to organize an assembly on

campus:

- A minimum of (5) business days advance notice of any assembly or other gathering to be held on SUNY CCC property is required, via email, to the Director of Public Safety and the Assistant Dean of Student Services. Notice should include the requestor(s) name(s) and contact information of person(s) or any groups participating in the assembly, anticipated number of participants, and the purpose, proposed date(s), time(s), the College patio location of assembly, and assurance that non-College affiliated participants will register with Public Safety.
- The requester will receive a confirmation email from the designated College employees, no later than three (3) business days prior to the proposed date of the planned event, that either approves or denies their request. Notification of the event does not mean the event has been approved.
- While every attempt will be made to accommodate all requests, some modifications to the assembly activity request may be required due to the availability of the proposed time and place of the activity. A Student Life professional staff member will inform the sponsor/organizer of these modifications and provide guidance as the assembly activity is planned.

## ACADEMIC PLAN

Resolution #2318-06

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby endorses the Academic Plan.

Approved: 01/03/06

Available: Vice President and Dean of Academic Affairs Office:

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## **PRESIDENT'S LIST**

Resolution #2244-05

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the changes in Dean's List criteria approved by the Faculty Assembly at its April 26, 2005 meeting, and

BE IT FURTHER RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the establishment of a President's List, starting in the Fall 2005 semester, for students who earn a 3.75 GPA, with all other criteria matching the Dean's List Honor.

Approved: 08/24/05

Referenced:  
College Catalog: DEAN'S AND PRESIDENT'S LIST

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## **STUDENT PROGRESS POLICY**

Resolution #2749-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the revised Student Progress Policy, to be effective with the Fall 2003 semester (end of semester).

BE IT FURTHER RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby replaces Resolution #42-85.

Approved: 02/27/08

Replaced:  
Resolution #42-85

Referenced: College Catalog: Academic Progress Policy

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## Personal Care Attendants Policy

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### Policy Statement

SUNY Corning Community College is committed to providing accommodations to otherwise qualified individuals with disabilities by making reasonable modifications in services, programs, and/or activities, and complies with all state and federal laws regarding individuals with disabilities. Students who seek reasonable accommodations must register with the Office of Accessibility Services. The College will review all requests for reasonable accommodations on an individualized and case-by-case basis.

The College recognizes that certain students may be entitled to the services of a Personal Care Attendant (PCA). This policy addresses the use of PCAs for students that have PCAs as part of an approved accommodation through Accessibility Services. The College does not assume coordination of, financial responsibility for, or legal liability for PCAs.

The purpose of this policy is to describe the key concepts involved in a request for the use of a PCA; clarify the student's responsibilities with respect to their PCA; and explain the College's role in this process.

### Definitions

*Personal Care Attendant (PCA)* – is a person who has been hired to support a student with a disability to live a more independent life by performing personal care duties or services (chronic or temporary). A PCA works directly for and is employed by the student. The type of tasks performed by PCAs vary from person to person. Tasks performed by PCAs may include, but are not limited to, the following:

- Providing help with activities of daily living, such as bathing, dressing, toileting, and grooming
- Housekeeping
- Preparing meals and assistance with eating
- Positioning or transferring to and from a wheelchair
- Running errands
- Monitoring medical conditions
- Ensuring compliance with medication regimes
- Transporting and/or escorting
- Assisting with maintenance of the housing environment, including light cleaning, laundry, and keeping the environment safe
- Turning pages and retrieving books
- Opening doors
- Alerting to distracting, repetitive movements

- Alerting to dangerous environments/situations

*Student with a disability* – an otherwise qualified individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual

as specified according to the American with Disabilities Act (ADA) of 1990 as amended in 2008.

### **Responsibilities of SUNY Corning Community College**

SUNY Corning Community College does not provide PCA services and is not responsible or liable for any consequences resulting from a student's associations with a PCA. Through the Accessibility Services office, the College can assist students requiring personal care attendant services by:

- Generating ideas for advertising and recruitment for PCA services on campus.
- Including in an accommodation letter to faculty that a student will be accompanied by a PCA in the classroom and for all classroom-related activities
- Answering any questions from Residence Life regarding a student's need for a PCA in campus housing

### **Responsibilities of Students using Personal Care Attendants**

A PCA works directly for a student with a disability. Students who use PCAs are responsible for securing, training, supervising, and paying their PCAs. Students can make arrangements through agencies or private contacts. SUNY Corning Community College will not assume any responsibility for the PCA or for the PCA's failure to fulfill its contract with the student. Any student who wishes to bring or use a PCA on campus must:

- Be registered with CCC Accessibility Services.
- Qualify as an individual with a disability.
- Request, through Accessibility Services, an accommodation of using a PCA in the classroom and/or housing.
- Register the PCA with CCC Accessibility Services by submitting a copy of the contractual agreement with the PCA or the PCA's agency. This documentation could cover a specific person, or an agency providing services through more than one PCA. The contract must stipulate that the services required by the student will in fact be provided by the PCA.
- Submit a copy of the PCA's criminal background check to Accessibility Services.
- Secure, hire, manage, and fire (if necessary) the PCA.
- Develop an alternative plan of action should the regularly assigned PCA not be available for work.
- Recruit and hire a PCA as soon as the student knows they will be enrolling and attending the College.
- Accept responsibility for the behavior and actions of the PCA (including through the campus disciplinary system) while on campus.
- Ensure that PCA personnel changes are registered with Accessibility Services and Residence Life (if living on campus).

## **Responsibilities of the Personal Care Attendant**

Personal Care Attendants are expected to follow all applicable College and departmental policies, regulations, rules, and procedures. PCAs will only be able to access the student campus housing while classes are in session or if the student has properly secured permission to be on campus during break sessions. PCAs must:

- Allow the student to take responsibility for their own academic responsibilities and behavior.
- Refrain from contact with or asking questions of faculty, staff, or others on behalf of the student unless communication is part of the accommodation being provided by the PCA.
- Refrain from intervening in conversations between the student and faculty, staff, or other students unless communication is part of the accommodation being provided by the PCA.
- Refrain from discussing any private information about the student with faculty, staff, or students.
- Refrain from involvement with the student's academic work related to class assignments or tests.
- Follow all SUNY Corning Community College policies and abide by the Student Code of Conduct (including all policies related to law, behavior, and campus housing).
- Carry a photo ID while on campus.

If a PCA fails to abide by such policies, regulations, rules, and procedures and/or causes a fundamental alteration in services, programs, or activities, Accessibility Services may make a determination that the PCA will not be allowed to accompany the student with a disability into the classroom and/or other sites. If a PCA who resides in college housing fails to abide by the policies, regulations, rules, and procedures related to college housing, the Office of Residential Life may make a determination that the PCA will not be allowed to live with the student in campus housing. The PCA may be removed from campus immediately, regardless of the contractual arrangement the PCA has with the student. It is the student's responsibility to secure the services of another PCA in the event a PCA becomes unable to perform services for a student, whatever the cause of that unavailability.

## **Responsibilities of the Student Personal Care Attendant**

This section pertains to the employment of SUNY Corning Community College students as Personal Care Attendants for students that have PCAs as part of an approved accommodation through Accessibility Services. Student PCAs are expected to follow all applicable College and departmental policies, regulations, rules, and procedures. Student PCAs will only be able to access the campus housing assignment of the student with a disability while classes are in session. In addition to abiding by stipulations noted in the aforementioned **Responsibilities of Personal Care Attendant** section, Student PCAs will be fully held to the standards and levels of accountability noted in the [Student Code of Conduct](#) and all other [SUNY Corning Community College campus housing policies and agreements](#). Student PCAs must also carry their SUNY Corning Community College student ID at all times.

If a student PCA fails to abide by such policies, regulations, rules, and procedures and/or causes a fundamental alteration in services, programs, or activities, Accessibility Services and/or the Provost may make a determination that the student PCA will not be allowed to accompany the student with a disability into the classroom and/or other sites. If a student PCA who resides in college housing fails to abide by the policies, regulations, rules, and procedures related to college housing, Residential Life may make a determination that the student PCA will no longer have access to the housing assignment of the student with a disability. Depending on the level of violation towards the aforementioned College or campus housing policies, the student PCA may be removed from campus housing regardless of any contractual arrangement the student PCA has with the student. Violations of College and housing policies may also result in the student PCA undergoing the disciplinary process through the Assistant Dean of Student Services and/or the Provost. It is the student's responsibility to secure the services of another PCA in the event a student PCA becomes unable to perform services for a student, whatever the cause of that unavailability. Any loss of keys or damage that occurs on the part of the student PCA while assisting a student with a disability in their respective living area will be billed directly to the student PCA.

### **Policy and Procedures for Living on Campus with a Personal Care Attendant**

Students who seek to live in SUNY Corning Community College residential facility and require the service of PCAs must follow Accessibility Services accessible campus housing request process and submit requests, including appropriate documentation, by the required submission dates. Students must follow these guidelines to arrange PCA services:

- Submit the Request for Accessible Campus Housing to Accessibility Services, filled out by a physician or other medical professional, to verify that a live-in PCA is necessary to accommodate a student's request to live in SUNY Corning Community College housing. The Office of Accessibility Services will review this documentation, and, if needed, may seek further clarification from the student and their physician or other medical professional regarding the request for accommodation.
- For each PCA to be residing (whether part-time or full time) with the student at the College, submit a copy of the PCA's criminal background check to the **Office of Residence Life**. If the student is contracting with an individual PCA, then the student must ensure that the PCA submits a current criminal background check to the student to be sent to the Office of Residential Life. If the student is working with a PCA contracting agency, the student must obtain a copy of the criminal background check(s) performed by or on behalf of the agency and provide it to the Office of Residential Life. The student is responsible for notifying the Office of Residential Life if the PCA is charged with any crime during the student's time at the College (including summer and other school breaks). If the PCA has not submitted a criminal background check to the student or if there is any question or concern about the PCA's criminal history, the PCA will not be permitted on campus until such time as it has been completed and submitted, and the student will need to make alternative arrangements.

- The student will need to obtain an **appropriate parking pass** for the PCA's car (if applicable). The parking pass will be issued by the College once the PCA's information is approved.
- PCAs are required to follow all College and Office of Residential Life housing and license agreement rules, regulations, policies, and procedures. The College may immediately remove any PCA who fails to abide by these policies in a manner that endangers the health and/or safety of any member of the campus community. The College will not be responsible for any hardship or liability incurred by the student because of the PCA's removal, nor will the College be required to provide the student with an opportunity to retain alternative PCA services prior to enforcing such removal. In cases that do not warrant immediate removal, the student should refer to the code of the conduct. Additionally, the PCA and student may receive an official warning from the Office of Residential Life. In this situation, the College will notify the student of the issue as soon as possible.

PERSONAL CARE ATTENDANT POLICY ACKNOWLEDGEMENT FORM

By my signature below, I acknowledge that I have received and read a copy of the Personal Care Attendant Policy. I understand and agree to abide by the requirements and expectations outlined by the Personal Care Attendant policy.

Student Signature: \_\_\_\_\_

Student Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Acknowledgement received by: \_\_\_\_\_

Date: \_\_\_\_\_

Please return signed form to Accessibility Services:

SUNY Corning Community College  
Accessibility Services, Chemung 100 1  
Academic Dr.  
Corning, NY 14830



# **ADMINISTRATION**

## ANTI-BULLYING POLICY

### SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: January 29, 2015	RBOT Resolution #3953-15 <b>Anti-Bullying Policy</b>
Issue/amendment date: January 29, 2015	Author: Human Resources Office
References: RBOT Policy Manual, College Catalog, College website	Rescinds: N/A

Bullying can foster a climate of fear and disrespect which seriously impairs the physical and psychological health of its victims and creates conditions that negatively affect any learning and working environment. With the proliferation of the use of electronic means of communication, bullying has transformed from a predominately school-based issue among youth to a broader societal problem affecting both youth and adults. Researchers have demonstrated that bullying has long-term consequences, particularly since bullying has now moved beyond the classroom to the Internet, athletic teams, college campuses, work places, and among the general public.

Cyber-bullying has been shown to cause significant psychological trauma to its victims. Victims suffer very real and serious harm as a result of these incidents, often showing signs of depression, anxiety, social isolation, nervousness when interacting with technology, low self-esteem, declining school and work performance, hyper-vigilance, nightmares, changed eating and sleeping habits, and fear for their safety. In extreme cases, victims attempt or commit suicide due to the cyber-bullying they have endured.

#### **Policy Statement**

SUNY Corning Community College (“the College”) is committed to maintaining an educational and work environment in which every member of the College community conducts himself/herself in a manner which demonstrates proper regard and respect for the rights and welfare of others so that everyone, including students, employees, and visitors, is treated with respect and dignity. The intended purpose of this Anti-Bullying Policy is to educate the College community about bullying and promote civility and respect among all its members. This policy applies to all members of the campus community, individuals doing business with the College, and any persons utilizing campus facilities.

#### **Summary**

Bullying is strictly prohibited on any College property; at any College function, event or activity; or through the use of any electronic or digital technology, whether or not such use occurs on College property. Any case of bullying suspected to be of a criminal nature will be referred to local law enforcement authorities.

A procedure for handling complaints under this policy has been established and is available on the College website, in the College catalog, and from the Human Resources Office.

## Definitions

- **Bullying:** aggressive and hostile acts of an individual or group of individuals which are intended to humiliate, mentally or physically injure or intimidate, and/or control another individual or group of individuals. Bullying can occur as a single, severe incident or repeated incidents.
- **Physical Bullying:** pushing, shoving, kicking, poking, and/or tripping another; assaulting or threatening a physical assault; damaging a person's work area or personal property; and/or damaging or destroying a person's work product.
- **Verbal/Written Bullying:** includes ridiculing, insulting or maligning an individual, either verbally or in writing; addressing abusive, threatening, derogatory or offensive remarks to an individual; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities.
- **Nonverbal Bullying:** includes making direct threatening gestures toward an individual or invading personal space after being asked to move or step away.
- **Cyberbullying:** the bullying of an individual using any electronic form, including, but not limited to, the Internet, interactive and digital technologies, or mobile phones.
- **Racist Bullying:** racial taunts, graffiti or gestures; and/or a refusal to work with another individual because they are of a different culture.
- **Sexual Bullying:** unwanted physical contact or sexually abusive comments.
- **Homophobic, Gender, and Sexual Orientation Bullying:** bullying which is usually aimed at gay, lesbian, bisexual and transgender people or those with gay, lesbian, bisexual or transgender relatives/friends; and/or the use of generic insults relating to gender and/or sexual orientation.
- **Stalking:** continued unwanted attention through: personal contact (directly with and individual or through the individual's friends and family); telephone calls; letters; e-mails; text messages; Internet chat rooms; and other means.

Bullying does not include the following circumstances:

- A supervisor or any person with supervisory authority reports and/or documents an employee's unsatisfactory job performance and the potential consequences of such unsatisfactory performance; or
- A faculty or staff member advises a student of unsatisfactory academic work and the potential for the course failure or dismissal from the program; or
- A faculty or staff member advises a student of inappropriate behavior that may result in disciplinary proceedings.

**SUNY Corning Community College**  
**Board Policy and Administrative Procedures**

**POLICY ON CONFIDENTIALITY**

Effective Date: April 30, 2020	RBOT Resolution #4663-20 <b>Policy on Confidentiality</b>
Issue/amendment date: April 30, 2020	Author: Human Resources Office
Reference: RBOT Policy Manual	Rescinds: N/A

By nature of their position, employees at the College will have access to confidential information related to students, faculty, staff, alumni, and other constituents of the College. Employees are obligated to maintain the confidentiality of any such private information that is encountered. Employees will be required to periodically and regularly acknowledge receipt and understanding of this policy with specific terms and conditions updated by the College.

The College expects all employees with access to confidential information to manage that information in a respectful and professional manner. As a matter of policy and practice, the College restricts access to personal information to only those employees who have a legitimate “job-related reason” in the performance of their duties for gaining access. Access and release of any student educational records must be in accordance with FERPA regulations. Access and release of any health records must be in accordance with HIPAA regulations. Any personal information viewed or accessed by an employee through College systems or records is not to be shared or released to others unless there is a legally permissible and business-related purpose for doing so.

In accordance with Section 203-d of the New York Labor Law, the College and its employees will not publicly post or display an employee’s social security number; visibly print a social security number on an identification badge, including any time card; place social security numbers in files with open access; or communicate an employee’s personal “identifying information” to the general public. Identifying information is defined to include an employee’s social security number, home address or telephone number, personal email address, Internet identification name or password, parent’s surname prior to marriage, or driver’s license number.

Inappropriate disclosure of information pertaining to students, faculty, staff and other college constituents may violate applicable law and regulations and is considered a violation of ethics and a breach of trust placed in employees by the College. Employee, student, financial, and medical information contained within the College information systems (electronic and physical files) and all external SUNY systems is considered confidential. Access to information made confidential by law or campus practice is limited to those individuals (employees, consultants, adjunct professors, third-party vendors, etc.) whose position or contract legitimately requires use of this information. Requests for access to confidential information must be supported by the supervisor, respective Senior Staff member and respective Banner data custodian.

For employees who fail to abide by the policy, practice and/or guidelines provided by the College, administrative action may be pursued, including disciplinary action up to and including termination and in compliance with respective collective bargaining agreements and personnel policies.

## **COPYRIGHT POLICY**

Resolution #271-89

WHEREAS, SUNY Corning Community College is committed to conform to existing United States copyright laws and Congressional guidelines and to maintain the highest possible ethical standards in the use of any copyrighted material for instructional and administrative purposes, and

WHEREAS, the Board of Trustees of SUNY Corning Community College directs that SUNY Corning Community College employees adhere to all provisions of Title 17 of the United States Code, entitled "Copyrights," and other federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials, and

WHEREAS, the President of the College is directed to develop procedures to insure compliance with the copyright laws and appoint an administrative officer to supervise the activity on campus,

BE IT THEREFORE RESOLVED, that the Board of Trustees of SUNY Corning Community College hereby adopt the above as the College's Copyright Policy.

Approved: 04/26/89

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# SEXUAL HARASSMENT RESPONSE AND PREVENTION POLICY STATEMENT

## SUNY Corning Community College Board Policy and Administrative Procedures

Effective : November 15, 2018	RBOT Resolution #4448-18 Sexual Harassment Response and Prevention Policy Statement
Issue/Amendment date: New	Author: Human Resources
Reference: RBOT Policy Manual, College website	Rescinds: N/A

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Educational Amendments of 1972, sexual harassment also is prohibited in the provision of educational services and protects students and employees from sexual harassment.

Sexual harassment is prohibited and will not be tolerated at SUNY CCC. The College has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects.

Sexual harassment is a form of workplace discrimination and employee misconduct, as well as a form of discrimination in the academic setting, and all employees and students are entitled to work and learn in a campus environment that prevents sexual harassment. All employees and students have a legal right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the College, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in the College's Equal Employment and Educational Opportunity Complaint Procedure.

In accordance with applicable law, sexual harassment is generally described as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit; or
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work or academic performance, or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples of sexual harassment may include, but are not limited to:

- Seeking sexual favors or a sexual relationship in return for the promise of a favorable grade or academic opportunity;

- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority, co-workers or student peers, that unreasonably interferes with the ability of a person to perform their employment or academic responsibilities.
  - Physical acts of a sexual nature, such as:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against, or poking another person's body;
    - Rape, sexual battery, molestation or attempts to commit these assaults.
  - Unwanted sexual advances or propositions, such as:
    - Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an educational benefit or detriment;
    - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or cell phones and sharing such displays while in the workplace or classroom.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform his or her employment or academic duties;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

Such behavior can constitute sexual harassment regardless of the sex, gender, sexual orientation, self-identified or perceived sex, gender expression, status of being transgender, or gender identity of any of the persons involved. Sexual harassment is considered a form of employee and student misconduct which may lead to disciplinary action. Further, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Employees and students who believe they have been subjected to sexual harassment may use the College's Equal Employment and Educational Opportunity Complaint Procedure for more details on how to have their allegations reviewed, including a link to a complaint form.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure, is unlawful, is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about or provides information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Adverse action includes being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Participants who experience retaliation should contact the campus EEO Officer, and may file a complaint pursuant to these procedures.

SUNY CCC and SUNY System Administration shall take the necessary steps to ensure that this Sexual Harassment Response and Prevention Policy Statement is distributed, implemented, and enforced in accordance with their respective policies.



# CONSENSUAL SEXUAL AND AMOROUS RELATIONS POLICY

## SUNY Corning Community College Board Policy and Administrative Procedures

Effective : April 26, 2018	RBOT Resolution #4444-18 Consensual Sexual and Amorous Relations Policy
Issue/Amendment date:	Author: Human Resources
Reference: RBOT Policy Manual, College website	Rescinds: N/A

### Consensual Sexual and Amorous Relations Policy

SUNY Corning Community College has a strong commitment to a community that promotes the exchange of ideas, builds mutual trust and respect, facilitates communication, and reduces misunderstandings. When faculty and staff members exercise power and authority over students and employees for whom they have current supervisory, instructional, or other professional responsibility, a power imbalance is created which makes consent within any sexual or romantic relationship between them problematic, and may impede the real or perceived freedom of the student or employee to terminate or alter the relationship. SUNY Corning Community College also recognizes that a sexual or romantic relationship under the conditions set forth above may result in a loss of objectivity and create a conflict of interest in any evaluative, supervisory, instructional, or other professional role.

The Consensual Sexual and Amorous Relations Policy applies to all faculty and staff, all job classifications, titles and types of appointments under College jurisdiction engaged in relationships with students or other campus faculty or staff where there is an actual or perceived power imbalance because of supervisory or professional roles of participants in the relationship.

It is the policy of SUNY Corning Community College that:

1. Sexual or amorous relationships between SUNY Corning Community College faculty or staff members and students to whom such faculty or staff members have current or reasonably predicted future professional responsibility are prohibited.
2. Sexual or amorous relationships between faculty or staff members and students to whom the faculty or staff members have no current professional responsibility are strongly discouraged.
3. Sexual or amorous relationships between supervisors and non-student employees to whom such supervisors have current professional responsibility are strongly discouraged. Where such a relationship exists, it shall be the responsibility of the individual to inform the divisional executive and Human Resources in a timely manner, so that the supervisor may be removed from any evaluation of the employee, and from any activity or decision that may appear to reward, penalize, or otherwise affect the employment status of the employee.
4. All parties have a duty to abide by this policy and cooperate in making alternative arrangements.

Members of the campus community are reminded that persons with the status advantage in such relationships could be subject to formal discipline for violating their professional and ethical obligations to a student or employee of the College (as per the disciplinary policies and procedures noted in the personnel handbook and respective collective bargaining agreements); to charges of sexual harassment should such a complaint be filed by a party in the relationship or to charges of discrimination should another employee

claim to be adversely affected by the relationship (as per the Equal Employment and Education Opportunity Policy and Complaint Procedure).

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# EQUAL EMPLOYMENT AND EDUCATIONAL OPPORTUNITY POLICY

## SUNY Corning Community College Board Policy and Administrative Procedure

Effective Date: October 2, 2015	RBOT Resolution # 4721-21 <b>Equal Employment and Educational Opportunity Policy</b>
Issue/amendment date: February XX, 2021	Author: Human Resources Office
References: RBOT Policy Manual, Personnel Policies Handbook for Non-Union Employees, PECCC Agreement, College Catalog, College website	Rescinds: RBOT Resolutions #4549-18, 4050-15, #3968-15, #3843-14, #3566-13, and #3567-13

### Policy Statement

SUNY Corning Community College (“the College”) declares and affirms a policy of equal employment and equal educational opportunity. The College will make all decisions regarding admissions and the entire educational process of its students (including all educational programs and activities) and the recruitment, hiring, promotion, and other terms and conditions of employment without discrimination on the basis of race (including traits historically associated with race), color, age, religion, national origin, disability, sex, sexual orientation, gender identity, gender expression, status as a victim of domestic violence, marital status, ethnicity, veteran status or other protected characteristics which cannot be lawfully used as the basis for employment or educational decisions.

Through its policies and programs, the College undertakes to comply fully with all applicable federal, state and local laws relating to equal employment and equal educational opportunity. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Educational 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, and place an affirmative obligation on the College to maintain a work and study environment free from discriminatory harassment, intimidation, ridicule, and insult.

The College is committed to maintaining an educational and work environment that is free of any harassment and to fostering positive learning, living and working so that everyone, including students, employees, and visitors, is treated with respect and dignity in a non-discriminatory environment.

### Summary

The College will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy its discriminatory effects on the victim(s) and others. Sex discrimination includes sexual harassment, sexual assault, and sexual violence. This policy applies to all members of the campus community, individuals doing business with the College, and any persons utilizing campus facilities.

The President of the College has ultimate responsibility for equal opportunity and has assigned responsibility for the administration of the College's policy to the Executive Director of Human Resources and Chief Diversity Officer (the "Director"), who also serves as the College's Title IX Coordinator. The Director oversees the Title IX complaint procedures and non-Title IX Equal Employment and Educational Opportunity complaints, coordinates the activities of ad hoc Equal Opportunity committees, and is responsible for the maintenance of all necessary records needed to comply with federal and state laws governing equal employment and educational opportunity. One or more deputy coordinators may be appointed to assist the Director in his/her Title IX Coordinator duties; a complete list of these deputy coordinators is available from the Director.

Procedures for handling complaints under this policy have been established and will be made available on the MyCCC student portal policy page, the Human Resources policy page for employees, and on the public College website. Complaint procedures define relevant definitions and procedures which may be used by students, employees, and/or third parties. Complaint policy and procedures include:

Title IX and "Enough is Enough" specific policy and procedures:

- Sexual Violence Student Bill of Rights
- Response for Sexual Violence and Other Misconduct
- Posted Training – availability of materials, <https://system.suny.edu/sci/postedtraining/>
- Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under Title IX Regulations
  - Guide to Determining Relevance
  - Informal Resolution Procedure
  - Decorum for Informal Grievance Process Hearings

Policy and procedures for other types of discrimination and harassment

- SUNY CCC Sexual Harassment Response and Prevention Policy (under Title VII Civil Rights Act, NYS Human Rights Law, and Title IX Educational Amendments Act)
- Equal Employment and Education Opportunity Complaint Procedure

Unless stated otherwise, the College uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of complaints covered under this Policy. This means that the investigation and determination process determines whether it is more likely than not that a violation of the Policy occurred. Employee and student grievance procedures established through College policies or collective bargaining agreements, student disciplinary procedures, or any other internal grievance/complaint procedure will be made available unless an appeals process is specified by the complaint procedure.

To ensure that the complaint procedure processes are fair, the Director or his/her designee serves as an impartial party who is responsible for:

- ensuring that the procedure is carried out properly
- ensuring that the rights of both complainant and respondent are protected and that both parties have an equal opportunity to engage the resolution procedures
- advising and providing information to the complainant and respondent, including information on counseling and victim services available both on and off campus
- investigating complaints as defined by the procedures

- requesting access to pertinent documents
- maintaining a record of each case.

The Director may receive initial inquiries, reports, and requests for consultation and counseling on an informal basis. Assistance will be available whether or not a formal complaint is under consideration or even possible. It is the responsibility of the Director to respond to all such inquiries, reports, and requests as soon as possible and in a manner appropriate to the particular circumstances. This response may include interim measures to protect the parties during the investigation process. Such interim measures will not disproportionately impact the complainant or respondent.

Individuals who believe that they have been harassed or discriminated against in violation of this policy should contact the Director. Responsible employees who observe or become aware of incidents of discrimination and harassment, including sexual harassment, sexual assault, and sexual violence, are obligated to report this information to the Director. A “responsible employee” is an employee with the authority to take action to redress the harassment/discrimination, who has the duty to report harassment or any other misconduct by students or employees to appropriate college officials, or an individual who a student or employee could reasonably believe has this authority or responsibility. In the event that the Director is alleged to have discriminated against an individual in violation of this policy, the incident should be reported directly to the President’s Office.

Inquiries regarding the application of Title IX and other laws, regulations, and policies prohibiting discrimination and harassment may be directed to:

Stacy Ward  
 Executive Director of Human Resources  
 1 Academic Drive, Corning, NY 14830  
 (607) 962-9444  
[sward11@corning-cc.edu](mailto:sward11@corning-cc.edu)

U.S. Department of Education’s  
 Office for Civil Rights  
 32 Old Slip, 26<sup>th</sup> Floor, New York, NY 10005-2500  
 (646) 428-3800

[OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

David Burdick  
 Executive Director of Aux. Campus Services  
 Title IX Coordinator  
 1 Academic Drive, Corning, NY 14830  
 (607) 962-9328  
[dburdick@corning-cc.edu](mailto:dburdick@corning-cc.edu)

US Equal Employment Opportunity Commission  
 300 Pearl St., Suite 450, Buffalo, NY 14202  
 (716) 551-4387  
<https://www1.eeoc.gov/>

NYS Division of Human Rights  
 44 Hawley St., Binghamton, NY 13907  
 (888) 392-3644  
<https://dhr.ny.gov/>

## Retaliation

The College prohibits retaliation against any individual who reports discrimination or harassment or participates in any investigation of such a report. Retaliation against an individual for reporting harassment or discrimination or for cooperating with an investigation of such a report is a serious violation of College policy and, like discrimination and harassment, will be subject to disciplinary action.

# ETHICS POLICY

Resolution #435-90

## SUNY CORNING COMMUNITY COLLEGE ETHICS POLICY

December 5, 1990

### I. PURPOSE

The purpose of this resolution is to create the SUNY Corning Community College Ethics and Disclosure Policy in compliance with Article 18 of the New York State General Municipal Law. The citizenry of the region are entitled to the expectation of exemplary ethical behavior from their College officers, employees and appointed officials, and this policy is intended to create the minimum standards which constitute that behavior. Any particulars not determined in this policy shall be construed within the provisions of General Municipal Law Article 18.

### II. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined such for the purpose of the SUNY Corning Community College Ethics Policy.

- a. "Child" means any son, daughter, step-son or step-daughter of a College officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code Section 152 (a) (1) and (2) and any amendments thereto.
- b. "College" means SUNY Corning Community College or any department, or other division or part thereof.
- c. "Interest" means a direct or indirect pecuniary or material benefit accruing to a College officer, employee or appointed official, his or her spouse, or child whether as the result of a contract with the College or otherwise. For the purpose of this chapter, a College officer, employee or appointed official shall be deemed to have an interest in the contract of (i) his/her spouse and children, except a contract of employment with the College; (ii) a firm, partnership or association of which such officer, employee or appointed official or his/her spouse or child is a member or employee; (iii) a corporation of which such officer, employee or appointed official, or his/her spouse or child is an officer or director; and (iv) the outstanding capital stock of a corporation which is owned by an officer, employee or appointed official, or his/her spouse or child.
- d. "Officer" or "employee" means the President, Dean of Academic Affairs, Director of Finance, Director of External Affairs, Business Manager, Bursar, anyone authorized to sign checks and members of the Board of Trustees.
- e. "Appointed official" means any individual who is appointed by the College to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether unpaid or paid.
- f. "Relative" means a spouse or child of a College officer, employee or appointed official.
- g. "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this policy unless legally separated from such officer, employee or appointed official.

- h. "Jurisdiction" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the College in which she/he is an officer, employee or appointed official.
- i. "Reporting Category" for the purpose of completing the financial disclosure report pursuant to Article IV, sections 3, 4, and 5 of this policy) means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the statements of financial disclosure; rather all amounts are to be indicated using the following categories:
  - "A": \$0-\$5,000
  - "B": \$5,001-\$10,000
  - "C": \$10,001-\$25,000
  - "D": \$25,001-\$50,000
  - "E": \$50,001-\$100,000
  - "F": Over \$100,001

### **III. CODE OF ETHICS**

#### **A. Prohibited Activities**

It is the policy of the College that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer, employee or their relative as defined above in II (f) has an interest, direct or indirect, which conflicts with their duty to the College or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. No officer, employee or their relatives shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of any contract or in any business or professional dealings with the College or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
2. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge or his or her official duties.
3. Solicit, directly or indirectly, any gifts, or receive or accept any gift having the value of Seventy-five (\$75.00) Dollars, or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
4. Disclose confidential financial information acquired in the course of his or her official duties or use such information to further his or her personal interest.

### **IV. DISCLOSURE OF INTEREST**

1. Any officer or their relative who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the College, and who participates in the discussion before or who give an opinion or gives advice to any Board, Agency



- or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.
2. Any officer or employee of the College, or their relative, who has knowledge of any matter being considered by any Board, Agency, officer or employee of the College in which matter he or she has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such Board, Agency, officer or employee, and the nature and the extent thereof, to the degree that such disclosure gives substantial notice of any potential conflict of interest.
  3. On or before January 31 of each year for which the employment is in effect, the President shall promulgate two lists, to be known as "Level A" and "Level B", of all positions required to provide financial disclosure. Said lists are discretionary in nature, subject to the law as determined by this policy and to be construed within Article 18 of the New York State General Municipal Law.
  4. "Level A" financial disclosure shall be accomplished by the completion of form "Level A" attached to this policy which is incorporated in substance by reference herein. "Level A" financial disclosure shall be required through the discretionary designation of the President, as stated in (IV) (3) above, and is applicable to those designated in Article II, sections (d) and (e) above. This statement shall be completed and returned to the Ethics Board on or before May 15 of the year for which the employment is in effect.
  5. "Level B" financial disclosure shall be accomplished by the completion of form "Level B" attached to this policy which is incorporated in substance by reference herein. "Level B" financial disclosure shall be required through the discretionary designation of the President, as stated in (IV) (3) above, and is applicable to those who may not fall within the specific purview of (IV) (4), above, but are, with proper discretion, deemed to be "policy making" within the construction of Article 18 of the New York State General Municipal Law. This statement shall be completed and returned to the Ethics Board on or before May 15 of the year for which the employment is in effect.
  6. A person who is subject to the filing requirements of this policy from more than one source may satisfy the requirements by filing only one annual statement of financial disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
  7. Any person who is subject to the reporting requirements of this local law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year which would extend filing with the IRS beyond May 15 of that year shall be required to submit notice of said application on or before March 31 of the year in which the employment is in effect. Such person shall file a completed disclosure form, absent only the portions stated within the application for automatic extension on or before May 15 of the year for which the employment is in effect, and a supplementary statement for any item as so noted on the annual statement of financial disclosure, without liability under Article VIII of this policy, if said supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.
  8. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1, of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the

request, by vote of the membership, and extensions shall be for the specific period of additional time requested.

9. Any person required to file an annual statement of financial disclosure who becomes so required, or experiences a change in reporting levels, or becomes a candidate for elected office, after March 15 of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days.

## **V. ANNUAL CODE OF ETHICS REVIEW**

1. Every official and employee is required to attest on an annual basis that he or she has reviewed the Code of Ethics of the College, to be made on or before March 31 of the year for which the employment is in effect. Said attestation is to be filed with the SUNY Corning Community College Ethics Board.

### Establishment

The Trustees of the College, pursuant to Article 18 of the New York State General Municipal Law, hereby establishes the College Board of Ethics, responsible for ensuring full compliance with this code of ethics and disclosure. The Ethics Board shall consist of three members, nominated by the President of the College and confirmed by the Board of Trustees of the College and serving at the pleasure of same.

### Membership

Members of the Ethics Board shall serve without compensation, but shall be entitled to reimbursement of reasonable expenses and for mileage, in accordance with rules established by the College. Members of the Ethics Board shall be construed under this policy as policy-making officials, and thus be subject to all of the appropriate ethics and disclosure requirements.

### Power and Duties

- a) The Board of Ethics shall possess all powers and duties authorized by Section 808 of General Municipal Law.
- b) The Board of Ethics shall be the repository for completed annual statements of financial disclosure, pursuant to section 808 (5) of the General Municipal Law and Article IV herein and such written instruments, affidavits, and disclosures as required under this policy and be responsible for the security and confidentiality of all such disclosure statements and related written materials.
- c) The Board of Ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of the Code of Ethics and completion and filing by reporting officers, employees and appointed officials of the College of annual statements of financial disclosure required by this act.
- d) The Board of Ethics shall render advisory opinions in writing regarding specific matters pertaining to filings and reporting categories, to officers, employees and appointed officials of the College with respect to this policy and Article 18 of the General Municipal Law. Such opinions shall be rendered only upon written request by the officer, employee or appointed official concerning only the subject of the inquiry as it pertains to the requesting individual's own filing requirements.

- e) Such opinions shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding or proceeding under Article VII of the Policy involving the officer, employee or appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official whom the request concerns shall be notified of the request within forty-eight (48) hours of the receipt of the request. Under no circumstances shall the “Reporting Categories” be disclosed to the public, as stated in New York State General Municipal Law Section 813.18(a) (1).
- f) The President shall designate an attorney admitted to practice in the State of New York to serve as counsel to the Board of Ethics to be paid for by the College.
- g) The Ethics Board shall be empowered to request support staff assistance from Trustees or the President in furtherance of its duties and responsibilities.

## **VI. APPEAL OF DESIGNATION OF POLICY MAKING POSITION**

Appeal may be taken by the filing of a written petition in opposition to such designation within thirty (3) days from the date that the designation was filed with the College Board of Ethics. Upon receipt of the petition, the Board of Ethics shall make a determination upon the merits of the application within thirty (30) days.

## **VII. ANNUAL STATEMENT OF FINANCIAL DISCLOSURE**

The College Trustees hereby designate disclosure form as attached, as substantially incorporated by reference, as the annual statement of financial disclosure for the purposes of fulfilling the requirements of Article IV, sections 3, 4, and 5, respectively, of the College Ethics and Disclosure Policy.

## **VIII. SEVERABILITY**

The various elements of the College Ethics Policy are explicitly intended to be construed within the application of Article 18 of the New York State General Municipal Law. Should any portion of the policy be determined to be unconstitutional or improper, said determination shall have no bearing on the severable remainder of this policy.

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## **FEDERAL FUNDS FOR PARTISAN POLITICAL ACTIVITY**

Resolution #664-93

Approval of policy prohibiting the use of any Federal funds for partisan political activity involving the College or any of its employees.

Approved: 11/03/93

There are several laws governing the partisan activity of persons or organizations involved in the administration of federally assisted programs. The Regional Board of Trustees of SUNY Corning Community College approved a policy in 1993 that prohibits the use of any federal funds for partisan political activity involving the College or any of its employees.

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## FREEDOM OF INFORMATION POLICY

Resolution #2783-08

WHEREAS, the Freedom of Information Law (Public Officers Law §§ 84090) <http://www.dos.ny.gov/coog/foil2.html> requires that the State University of New York make certain records available to the public, and

WHEREAS, the law requires each campus to designate a records access officer,

THEREFORE BE IT RESOLVED that SUNY Corning Community College does adhere to the most current version of the Freedom of Information Law as it applies to community colleges, and

BE IT FURTHER RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College charge the President of the College to designate a records access officer.

BE IT FURTHER RESOLVED, that this Resolution replaces Resolution #2159-05.

Approved: 04/16/08

Replaced:  
Resolution #2159-05  
Resolution #6-86

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## PAID TIME FOR VOTING

### SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: January 21, 2020	<b>Paid Time for Voting</b>
Issue/amendment date: January 21, 2020	Author: Human Resources
Reference: Personnel Policies Handbook for Non-Union Employees, HR webpage, RBOT Policy	Rescinds: N/A

Section 3-110 of the New York State Election Law was amended to allow employees up to three hours of leave to vote without charge to leave accruals. The benefit is immediately available and applies to any general election, special election called by the Governor, primary election, or municipal election. Time off to vote is not available for school or library elections. There is no cap on the number of elections per year an employee may request.

- Up to three hours of leave with pay is available for every election as identified above. Time allowed should enable the employee to vote which may not require the full three hours. Employees are allowed time off at the beginning or end of regularly scheduled working hours. The College can engage employees who request the leave in an effort to refine the amount of time requested and granted in light of College operations.
- Employees must request leave two (2) days in advance to receive the paid time off. The request must be made by the employee in writing (i.e. email) and approved by the direct supervisor.
- The College will conspicuously post notice to the Paid Time for Voting policy at least ten workdays before any election.
- Like other leaves at full pay, leave to vote is considered full pay status for attendance and leave purposes (i.e. earning leave accruals).
- The College may not require proof of voter registration or proof that an employee actually voted.
- Paid time off to vote should ensure adequate staff coverage sufficient to meet the operation requirements of the department/division and meet the needs of our students.

## **RECORDS RETENTION AND DISPOSITION SCHEDULE**

### RESOLUTION #4710-New York Records Retention Policy

BE IT RESOLVED, that the Board of Trustees of Corning Community College hereby approve the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

BE IT FURTHER RESOLVED, that in accordance, with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Rescind: Resolution #2750-08

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## **REASONABLE ACCOMMODATION POLICY**

Resolution #2790-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Reasonable Accommodation Policy, as amended.

BE IT FURTHER RESOLVED, that Resolution #661-93 is hereby rescinded.

Approved: 04/16/08

Rescinded:  
Resolution #661-93

Referenced: MyCCC: Human Resources: Policies & Bargaining Agreements

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**SUNY Corning Community College  
Board Policy and Administrative Procedures**

**Remote Work Policy**

Effective Date: April 30, 2020	RBOT Resolution #4662-20 <b>Policy on Remote Work</b>
Issue/amendment date: April 30, 2020	Author: Human Resources Office
Reference: RBOT Policy Manual	Rescinds: N/A

Allowing for remote work arrangements is an important component of a multi-layered strategy in the face of emergencies or extraordinary events such as in the response to a pandemic. A remote work arrangement describes an alternate work arrangement that allows employees to conduct all or some of their work away from the official work site. Generally, the duties and responsibilities of employment remain unchanged. Employees must comply with all college policies and procedures while working off-site.

Approval for remote work arrangements require the support of the supervisor, respective Senior Staff member, and Human Resources. In extraordinary cases such as in response to a pandemic, the College may require employees to work off-site. Otherwise, employees are expected to provide a written request to Human Resources with an initial workplan which documents how their work will be completed within their regularly scheduled hours with details on how the employee will coordinate communication with their supervisor, team, and other stakeholders.

Supervisor may require employees to have a set telecommuting schedule that is specified on a work plan. Employees will work their entire approved workday (including overtime when appropriate and authorized). All current laws, regulations, contract provisions and standard rules governing employee work schedules apply. An employee is required to report to the official work site upon management's request at any time. Employees must be available via all required methods of communication throughout the workday. Should an employee not be available through official channels, the management will contact the employee via their personal contact information. Employees may be required to forward their official work site phone to the phone that will be used while remotely working. If an employee is required to report to their official work site (i.e. on campus), they will not be reimbursed for travel, nor may they be paid for travel. In-Person meetings at the employee's alternative work site are prohibited. This restriction does not preclude an employee from participating in phone or web-based meetings from their alternate work site.

Salary and benefits eligibility remain unchanged during the remote work arrangement. If the employee needs to change the work schedule, approval in advance is required from the supervisor. Employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked. The employee is expected to report on vacation, sick, and personal leave as per current procedures.

If the employee needs to modify these arrangements, they will inform the supervisor and obtain the necessary approvals. Temporary, seasonal, part-time and probationary employees may be allowed to work remotely with the necessary approvals.

Past employee performance may be considered when determining approval for remote work requests. Employees who fail to abide by all rules, laws, and guidance, maybe required to work at their respective official work site (on campus) and/or administrative action may be pursued, including disciplinary action up to and including termination and in compliance with respective collective bargaining agreements and personnel policies.

## **REPORTING FRAUD, WASTE, OR ABUSE POLICY**

Resolution #2998-09

WHEREAS, the region served by SUNY Corning Community College has the right to expect that the College will operate with maximum efficiency, accountability and integrity; and

WHEREAS, the values of efficiency, accountability and integrity are best able to thrive when there are mechanisms in place specifically promoting these values; and

WHEREAS, persons responsible for promoting efficiency, accountability and integrity must themselves exemplify these values; and

WHEREAS, persons responsible for preventing fraud, waste and abuse must be able to investigate vigorously and speak candidly without fear of retribution,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College adopts the policy on Reporting Fraud, Waste or Abuse.

Approved: 05/27/09

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# REPORTING FRAUD, WASTE OR ABUSE POLICY

## Purpose

SUNY Corning Community College is committed to the responsible stewardship of its resources. To that end, the College has implemented a system of controls to prevent and detect fraud, waste and abuse. This procedure enhances that system of controls by providing students, faculty, staff and community members with a process for reporting known or suspected acts of dishonesty.

Acts of dishonesty may include:

- Theft or misappropriation of funds, supplies, property, or other College resources
- Forgery or alteration of documents
- Falsification of reports to management or external agencies
- Unauthorized alteration or manipulation of computer files
- Pursuit of a benefit or advantage in violation of the College's conflict of interests policy
- Authorization or receipt of compensation for hours not worked
- Improper or wasteful activity

## Reporting

Before reporting allegations of dishonesty, individuals should be reasonably certain that the charges are legitimate. Allegations can seriously and negatively impact an employee's life and adversely affect the working environment of the College. Therefore, the College may require a signed affidavit from the individual making the allegations of dishonesty.

Note that the College prohibits discrimination or retaliation of any kind against individuals reporting allegations of dishonesty.

Individuals that wish to report known or suspected acts of dishonesty may make a verbal or written report to one or more of the following:

- a department manager
- the Director of Public Safety
- the Director of Human Resources
- a member of the President's senior staff
- the President of the College

## Investigations

After allegations of dishonesty are received, an initial review will be conducted to determine the likelihood that the alleged acts have occurred. Based on this initial review, and depending on the nature of the allegations, the College may perform an internal investigation, or may elect to have an external review done by an independent third party. Investigations may result in referrals to

law enforcement agencies when evidence suggests that a criminal activity has occurred, or is occurring, that warrants a criminal investigation.

Findings from all investigations will be reported to the Regional Board of Trustees and depending on the nature of the allegations, the College may perform an internal investigation, or may elect to have an external review done by an independent third party. Investigations may result in referrals to law enforcement agencies when evidence suggests that a criminal activity has occurred, or is occurring, that warrants a criminal investigation.

Findings from all investigations will be reported to the Regional Board of Trustees.

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**SUNY Corning Community College  
Board Policy and Administrative Procedures**

Effective Date: March 11, 2016	RBOT Resolution #4138-16 <b>Service and Assistance Animal Policy</b>
Issue/amendment date: March 10, 2016	Author: Human Resources Office
References: RBOT Policy Manual, College Catalog, College intranet	Rescinds: N/A

**Policy Statement**

SUNY Corning Community College recognizes the importance of service and assistance animals to individuals with disabilities and has established this policy to ensure that such individuals receive the benefit of the work/tasks performed by these animals or the therapeutic support they provide.

This policy applies to all members of the campus community, individuals doing business with the College, and any persons utilizing campus facilities. It is intended to comply with the relevant provisions of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, the Fair Housing Act (FHA), and any other relevant federal or state legislation. The College reserves the right to amend this policy as the law and circumstances may require.

The Director of Human Resources, who also serves as the College's ADA Coordinator, has developed procedures about the appropriate use of and protocols associated with service and assistance animals and is charged with ensuring compliance with these procedures. Although the College does not permit pets on campus or in its residence hall, exceptions may be made for service and assistance animals according to this policy and these procedures.

**Definitions**

**“Service Animals”** are dogs (and sometimes miniature horses, if permitted by 29 C.F.R. §36.302 (c)(9)), that are individually trained to do work or perform tasks for the benefit of individuals with disabilities, including physical, sensory, psychiatric, intellectual, or other mental disabilities. Examples of such tasks include, but are not limited to: guiding blind individuals, alerting deaf individuals, pulling a wheelchair, retrieving items (such as medication or a telephone), alerting and protecting an individual who is having a seizure, reminding an individual with a mental illness to take prescribed medications, calming an individual with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties directly related to the individual's disability.

“Service Animals” are generally permitted to accompany individuals with disabilities to all areas where members of the public are allowed to go. Animals whose sole function is to provide comfort or emotional support do not qualify as “Service Animals.”

**“Assistance Animals”** are animals that do work, perform tasks, or provide emotional support which reduces or alleviates one or more identified symptoms or effects of their partner's

disability. An individual with a disability may keep an “Assistance Animal” in his/her dwelling unit as a reasonable accommodation if there is an identifiable relationship between the disability and the assistance the animal provides.

An “Assistance Animal” is not a “Service Animal”. Unlike “Service Animals”, an “Assistance Animal” may not accompany an individual with a disability to all places on campus where the general public is permitted to go. “Assistance animals” may be allowed in the College’s residence hall as a reasonable accommodation, but they are not permitted in other areas of College property, such as classrooms, Learning Commons, dining areas, etc.

“**Pets**” are animals kept for ordinary companionship and are not considered “Service Animals” or “Assistance Animals”. Pets are not permitted to be kept on College property.

**SUNY Corning Community College  
Board Policy and Administrative Procedures**

Effective Date: June 2, 2017	RBOT Resolution #4314-17 <b>Video Recording Devices Policy</b>
Issue/amendment date: June 1, 2017	Author: Faculty Assembly
Reference: RBOT Policy Manual	Rescinds: N/A

SUNY Corning Community College has instituted this policy for the protection, privacy, and safety of students, staff and faculty. Due to the advances in cell phone and video/picture technology, the use of cell phones, video cameras, and/or any type of video/picture recording devices in rest rooms and locker rooms for the purpose of recording **is strictly prohibited**.

Students who violate this policy will be subject to one or more of the sanctions described in the Student Code of Conduct, including expulsion from the College. Staff and faculty who violate this policy will be subject to disciplinary action, including termination of employment.

Violations of this policy should be reported to the Department of Public Safety, which is charged with primary responsibility for enforcement. However, all members of the College community are also responsible for the enforcement of this policy.

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## VISION AND MISSION

### RESOLUTION #T4803-22

BE IT RESOLVED, that the Regional Board of Trustees of Corning Community College accepts and approves the following Mission statement:

*Mission: Empower Our Students. Elevate Our Community.*

AND, BE IT FURTHER RESOLVED that the Regional Board of Trustees accepts and approves the following Vision statement:

*Vision: To be the educational heart of the community where all identities thrive, students reach new heights, and transformative partnerships grow.*

AND, BE IT FURTHER RESOLVED that the Regional Board of Trustees accepts and approves the following Values Statement:

#### *Values*

- *Equity*
- *Connectedness*
- *Exploration*
- *Collaboration*
- *Critical Thinking*
- *Creative Expression*
- *Grit*

### BACKGROUND NOTES

In February 2022 President Mullaney convened a task force for the purposes of reviewing the College's existing Mission, Vision, and Values statement, which had been approved by the Regional Board of Trustees in 2012. The task force was open to all employees, and the final membership was a cross-section of faculty and staff who met over the next four months. A preliminary draft was shared with faculty, staff, students, and members of the Regional Board of Trustees in May 2022 for comment. Based on the feedback, the task force made a few revisions, resulting in the above statements.

This Resolution modifies Resolution 3548-12 Modification of Corning Community College Mission Statement.

Approved: 06/15/22

Replaced:3548-12

Resolution #1761-02

Resolution #1127-97

Resolution #155-87

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## **ADOPTION OF VOLUNTEER POLICY**

Resolution #3538-12

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby adopts a Volunteer Policy, effective September 28, 2012.

Approved: 09/28/12

Referenced: MyCCC: Human Resources: Policies & Bargaining Agreements:  
Volunteer Policy

# WHISTLEBLOWING PROTECTION POLICY

RESOLUTION #T4729-21

## **Introduction:**

"Whistleblowing" is generally used to refer to the act by an employee of making a disclosure evidencing illegal or improper government activities. Whistleblower laws have been adopted on the federal level to protect Federal employees from retaliatory acts, and similar laws have been adopted by New York State to protect all employees of the State.

Whistleblower Protection afforded under New York State law: Section 740 of the New York State Labor Law provides protection to employees from retaliatory acts for engaging in the following activities:

- 1) reporting a practice of the employer (Corning Community College) that is in violation of law, rule or regulation; or
- 2) providing information or testimony regarding the violation of law, rule or regulation; or
- 3) objecting or refusing to participate in any activity, policy or practice in violation of a law, rule or regulation.

**Policy:** Corning Community College is committed to affording protection to College employees from retaliatory acts by any College employee or Official for the protected actions listed in the New York State Whistleblower Protection Law (Section 740 of the New York Labor Law). The College strictly prohibits and will not tolerate retaliation against anyone who in good faith makes a complaint of any kind or participates in an investigation of a complaint

**Definitions of College Official:** a person employed by the College in an administrative leadership role.

## **Procedure Guidelines**

### **Reporting Responsibility**

It is the responsibility of all employees of the College to comply with the policy and to report violations or suspected violations in accordance with this Whistleblower Policy.

### **No Retaliation**

No administrator or employee who in good faith reports a violation of the policy shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the College rather than seeking resolution outside the College.

### **Reporting Violations**

The College maintains an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with his or her supervisor or is not satisfied with the supervisor's response, such employee is encouraged to speak with someone in the Human

Resources Department. Supervisors and managers are required to report suspected violations to the Human Resources office. For suspected fraud, or when the forthcoming employee is not satisfied or uncomfortable with discussing concerns, contact the chief human resources officer, 607.962.9444. Alternatively, reports can be made directly to the President of the College.

### **Conflict of Interest**

Conflict of interests will be carefully managed during procedures for the receipt of complaints and while investigations are conducted to protect the reporting party and ensure there is no retaliatory actions.

### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation of the policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **Procedures**

Any CCC community member (student, faculty, adjunct, full and part time staff) may contact the Executive Director of Human Resources to file a whistleblower complaint in writing. The Executive Director may assist in the write up if needed.

The complaint will be shared with the President of the College and an initial fact finding process will commence while considering the protection of the whistleblower, conflict of interests, and confidentiality. Should the Executive Director of Human Resources be identified as the party of concern, complaints should be directed to the President of the College. Should the President of the College be identified as the party of concern, complaints should be directed to the Regional Board of Trustee Chair. If sufficient evidence is found, the College will follow procedures as noted in respective collective bargaining agreements and the non-union contract that addresses misconduct and/or insubordination. The College will consider unpaid suspension as an intermediary action should further investigation be needed. The College will follow appeals and grievance procedures as noted by the respective agreements and handbook.

# **ADMISSIONS and STUDENT RECORDS**

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Resolution #2784-08

WHEREAS, the Family Educational Rights and Privacy Act of 1974 - <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html> , as amended, is a Federal law requiring an institutional policy, and

WHEREAS, the law provides that the institution will maintain the confidentiality of student education records,

THEREFORE, BE IT RESOLVED, that SUNY Corning Community College accords all rights under the Family Educational Rights and Privacy Act to its students and their families, and

BE IT FURTHER RESOLVED, that the SUNY Corning Community College Regional Board of Trustees charge the President of the College and his/her designees to execute the provisions of this Act and protect the privacy of student records.

Approved: 04/16/08

Available: MyCCC; Welcome Page; College Catalog; FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

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## HEALTH EXAMINATION POLICY

Resolution #3936-14

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the revised Health Examination Policy.

Approved: 12/18/14

Replaced: Policy dated January 1977 and November 1977

Rescinds: #696-94

Policy:

Requirements for attendance at post-secondary institutions regarding immunization for measles, mumps, rubella and meningococcal disease in accordance with PHL Section 2165 (measles, mumps and rubella), PHL Section 2167 (meningococcal disease), and Title 10 New York Codes, Rules and Regulations Subpart 66-2 (10 NYCRR Subpart 66-2) are as follows:

### **Requirements for Attendance Measles**

Students born on or after January 1, 1957 must submit proof of immunity to measles. Only one of the following is required:

- The student must submit proof of two doses of live measles vaccine: the first dose given no more than 4 days prior to the student's first birthday and the second at least 28 days after the first dose; or
- The student must submit serological proof of immunity to measles. This means the demonstration of measles antibodies through a blood test performed by an approved medical laboratory; or
- The student must submit a statement from the diagnosing physician, physician assistant or nurse practitioner that the student has had measles disease; or
- The student must submit proof of honorable discharge from the armed services within 10 years from the date of application to the institution. The proof of honorable discharge shall qualify as a certificate enabling a student to attend the institution pending actual receipt of immunization records from the armed services; or
- If a student is unable to access his/her immunization record from a health care provider or previous school, documentation that proves the student attended primary or secondary school in the United States after 1980 will be sufficient proof that the student received one dose of live measles vaccine. If this option is used, the second dose of measles vaccine must have been administered within one year of attendance at a post-secondary institution.

### **Mumps**

Students born on or after January 1, 1957 must submit proof of immunity to mumps. Only one of the following is required:

- The student must submit proof of one dose of live mumps vaccine given no more than 4 days prior to the student's first birthday; or
- The student must submit serological proof of immunity to mumps. This means the demonstration of mumps antibodies through a blood test performed by an approved medical laboratory; or

- The student must submit a statement from the diagnosing physician, physician assistant, or nurse practitioner that the student has had mumps disease; or
- The student must submit proof of honorable discharge from the armed services within 10 years from the date of application to the institution. The proof of honorable discharge shall qualify as a certificate enabling a student to attend the institution pending actual receipt of immunization records from the armed services.

### **Rubella**

Students born on or after January 1, 1957 must submit proof of immunity to rubella. Only one of the following is required:

- The student must submit proof of one dose of live rubella vaccine given no more than 4 days prior to the student's first birthday; or
- The student must submit serological proof of immunity to rubella. This means the demonstration of rubella antibodies through a blood test performed by an approved medical laboratory (Since rubella rashes resemble rashes of other diseases, it is impossible to diagnose reliably on clinical grounds alone. Serological evidence is the only permissible alternative to immunization.); or
- The student must submit proof of honorable discharge from the armed services within 10 years from the date of application to the institution. The proof of honorable discharge shall qualify as a certificate enabling a student to attend the institution pending actual receipt of immunization records from the armed services.

### **Meningococcal Disease**

New York State PHL Section 2167 requires post-secondary institutions to distribute information about meningococcal disease and vaccination to the students, or parents or guardians of students under the age of 18. The institution is required to maintain a record of the following for each student:

- Certificate of Immunization for meningococcal meningitis disease; or
- A response to receipt of meningococcal meningitis disease and vaccine information signed by the student or the student's parent or guardian; AND, EITHER
- Self reported or parent recall of meningococcal meningitis immunization within the past 10 years; or
- An acknowledgement of meningococcal disease risks and refusal of meningococcal meningitis immunization signed by the student or student's parent or guardian.

### **In Process**

A student is considered in process and allowed to attend classes if he/she has presented a Certificate of Immunization that shows the student is in the process of completing the immunization requirements of PHL Section 2165.

To be "in process" the student must have received at least one dose of live measles virus vaccine, have complied with the requirements for mumps and rubella, and have an appointment to return to a health practitioner for the second dose of measles if this appointment is scheduled no more than 90 days since administration of the first dose of measles virus vaccine.

A student can be considered in process of complying with PHL Section 2167 regarding meningococcal disease until the maximum 30 day grace period has elapsed. The 30 day grace period may be extended to 60 days if a student can show a good faith effort to comply with PHL Section 2167. If a student is granted the extended grace period, then exclusion begins immediately after the 60 days elapses.



## **Student**

### **Measles, Mumps and Rubella Requirements**

As defined by PHL Section 2165 (l)(b) and 10 NYCRR Subpart 66-2.1(b), "student" means any person born on or after January 1, 1957, who is registered to attend or attends classes at an institution, whether full-time or part-time, in an approved degree or registered certificate program in a degree granting institution. "Part-time student" means a student enrolled for at least six, but less than 12 semester hours, or the equivalent per semester or at least four but less than eight semester hours per quarter. "Full-time student" means a student enrolled for 12 or more semester hours or the equivalent per semester, or 8 or more semester hours per quarter. If a student is registered to attend or attends an institution for less than 6 semester hours or 4 credit hours per quarter, the immunization requirements do not apply to that student. If an enrollee at a post-secondary institution was born before 1957, he/she does not have to comply with PHL Section 2165 immunization requirements.

### **Meningococcal Disease Requirements**

As defined by PHL Section 2167(1)(a) "student" means a person attending an institution and, in the case of a student attending college, "student" means a person who is registered to attend or who attends classes at an institution, who is enrolled for at least 6 semester hours or the equivalent per semester or at least 4 semester hours per quarter. There is no age differentiation regarding meningococcal disease.

### **Attendance**

As defined by 10 NYCRR Subpart 66-2.1 (e), attendance at a post-secondary institution means the physical presence of the student at the institution and shall begin on the first scheduled day of classes for a student each semester.

### **Certificate of Immunization**

The certificate of immunization shall be prepared by a physician, physician assistant or nurse practitioner, and shall specify the vaccines and gives the dates of administration. It may also show physician-verified history of disease, laboratory evidence of immunity or medical exemption. This includes documents such as a certificate from a physician, a copy of the immunization portion of the cumulative health record from a prior school, a migrant health record, a union health record, a community health plan record, a signed immunization transfer card, a military dependent's "shot" record, the immunization portion of a passport, an immunization record card signed by a physician, physician assistant or nurse practitioner, or an immunization registry record.

### **Exemptions from Immunization Requirements Medical Exemption**

If a licensed physician, physician assistant, or nurse practitioner, or licensed midwife caring for a pregnant student certifies in writing that the student has a health condition which is a valid contraindication to receiving a specific vaccine, then a permanent or temporary (for resolvable conditions such as pregnancy) exemption may be granted. This statement must specify those immunizations which may be detrimental and the length of time they may be detrimental. Provisions need to be made to review records of temporarily exempted persons periodically to see if contraindications still exist. In the event of an outbreak, medically exempt individuals should be protected from exposure. This may include exclusion from classes or campus.

### **Religious Exemption**

A student may be exempt from vaccination if, in the opinion of the institution, that student or student's parent(s) or guardian of those less than 18 years old holds genuine and sincere religious beliefs which are contrary to the practice of immunization. The student requesting exemption may or may not be a member of an established religious organization. Requests for exemptions must be written and signed by the student if 18 years of age or older, or parent(s), or guardian if under the age of 18. The institution may require supporting documents. It is not required that a religious exemption statement be notarized. In the event of an outbreak, religious exempt individuals should be protected from exposure. This may include exclusion from classes or campus.

### **Exclusion**

"Exclusion" is the process whereby noncompliant students are not permitted continued attendance at the institution; whereas, "attendance" means the student's physical presence on campus (i.e., exclusion from classes, dorm residence and other curricular and extra-curricular campus activities). Exclusion should begin immediately after a 30 day grace period as stipulated under PHL Section 2165 (measles, mumps and rubella requirements), or after 45 days if a student is from out of state or from another country and can show a good faith effort to comply, or when a disease outbreak occurs.

For institutions to be in compliance with PHL Section 2167 (meningococcal meningitis response form), exclusion of students should begin immediately after the 30 day grace period elapses. The 30 day grace period may be extended to 60 days if a student can show a good faith effort to comply with PHL Section 2167. If a student is granted the extended grace period, then exclusion begins immediately after the 60 days elapse.

### **Enforcement of Public Health Law**

Under PHL Section 206, the NYSDOH Immunization Program has the legal authority to ensure that schools throughout the state comply with PHL Sections 2165 and 2167. PHL Section 2165 requires that:

No institution shall permit any student to attend such institution in excess of thirty days without complying with subdivision two of this section. However, such thirty day period may be extended to not more than forty-five days for a student where such student is from out-of-state or from another country and can show a good faith effort to provide a certificate of immunization.

PHL Section 2167 requires that:

No institution shall permit any student to attend the institution in excess of thirty days without complying with this section: provided, however, that such thirty day period may be extended to not more than sixty days if a student can show a good faith effort to comply with this section.

Findings of violations of PHL Sections 2165 and 2167 may result in the imposition of a civil penalty of up to \$2,000 per each student who is permitted to attend school in violation of these requirements.

### **Other requirements**

Students in specialized programs such as Nurse Education students and Intercollegiate Athletes are required to submit a comprehensive health form that includes a medical examination performed by licensed Physician, PA, or Nurse Practitioner.

Referenced: College Catalog

Available: MyCCC; Welcome Page: College Catalog: Admissions

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# **BOARD OF TRUSTEES POLICIES**

## BY-LAWS OF THE REGIONAL BOARD OF TRUSTEES

Resolution #2060-04 Change in SUNY Corning Community College Regional Board of Trustees By-Laws

WHEREAS, the Regional Board of Trustees of SUNY Corning Community College operates using a set of By-Laws established on April 7, 1961 and modified as recently as March 17, 1999, and

WHEREAS, the Regional Board of Trustees wishes to maintain By-Laws that reflect a fair and effective method of governance for the staff of SUNY Corning Community College,

BE IT THEREFORE RESOLVED, that the Regional Board of Trustees hereby approve the following change in its By-Laws:

Part II, Article VI: Organization and Duties of Staff, Section V: College Association

- A. The College shall maintain, as its principal agency, a College Association that shall be structured by means of a Constitution approved by the Board of Trustees.
- B. This College Association shall generate and sustain whatever subsidiary organizational structures are deemed necessary from time to time to insure meaningful faculty, staff, and administrative participation in a collegial governance of the College. Any by-laws developed governing the activity of subsidiary organizational structures of the College Association must be approved by the Board of Trustees.
- C. The Board of Trustees may at any time withdraw its approval of any college governance structure that it deems is no longer serving the purposes for which it was intended.

Approved: 07/07/04

Replaced:

Resolution #1283-99

Resolution #1026-96

Resolution #406-90

No Number: November 28, 1984

No Number: July 18, 1978

No Number: April 7, 1961

By-Laws of the Regional Board of Trustees

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## BY-LAWS OF THE REGIONAL BOARD OF TRUSTEES

Resolution: 3809-14 --- Change to the RBOT by-laws, 2.A. Ad Hoc Committee on Nominations

WHEREAS, a proposed change to the by-law, 2.A. Ad Hoc Committee on Nominations which currently states “The Ad Hoc Committee on Nominations shall place in nomination candidates to fill vacancies for officers of the Board of Trustees” shall be changed to “The Ad Hoc Committee on Nominations shall place in nomination candidates to fill vacancies for officers of the Board of Trustees *and will recommend to the appointing bodies possible candidates for Board vacancies.*”

THEREFORE, NOW BE IT RESOLVED, that the Regional Board of Trustees approves the recommended change to by-law 2. A. Ad Hoc Committee on Nominations.

### BACKGROUND NOTES

This change is necessary to comply fully with the appropriate legislative authority.

Approved: January 2014

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## CONFLICT OF INTEREST POLICY FOR THE REGIONAL BOARD OF TRUSTEES

Resolution #2174-05

WHEREAS, the SUNY Corning Community College Regional Board of Trustees recognize the importance of declaring their responsibility against conflicts of interest which might compromise their ethical values and the integrity and objectivity perception by the College community,

BE IT RESOLVED, that the Regional Board of Trustees accepts the following statement as a policy of the SUNY Corning Community College Regional Board of Trustees, and

BE IT FURTHER RESOLVED, that this policy is applicable to each SUNY Corning Community College Regional Board of Trustee member from the date of the adoption of this resolution.

*The Regional Board of Trustees of SUNY Corning Community College recognizes a shared responsibility to ensure that they conduct themselves in an unbiased manner and serve the goals of the College. It is thus the responsibility of each member of the Board to guard against conflicts of interest that might compromise the integrity and objectivity perception by the College community.*

*It is the policy of the Regional Board of SUNY Corning Community College that:*

- 1. Members of the Board shall not participate in institutional decisions involving direct benefits such as appointments, retentions, promotions, contracts or awards for themselves or members of their immediate families.*
- 2. Members shall not have a direct or indirect interest in any business enterprise that has dealings with the College. Members in a position to influence a College business decision for which he/she may receive material benefit should disclose the nature of the conflict, and, where possible remove himself/herself from involvement in the decision.*
- 3. Members shall not seek nor receive, for personal or any other person's gain, any payment, whether for services or otherwise, loan, gift or discount of more than nominal value, or entertainment that goes beyond common courtesies usually associated with accepted business practice from any enterprise that conducts business with the College or has current or known prospective dealings with the College.*
- 4. Members shall not, for personal or any other person's gain, deprive the College of any opportunity for benefit that could be construed as related to any existing or reasonably anticipated future activity of the College.*
- 5. Members shall not, for personal or any other person's gain, make use of or disclose confidential information learned as a result of membership on the Board.*
- 6. Members shall not have any outside interest that materially interferes with the required time or attention that the member must devote to the College.*
- 7. Members shall not act or be involved in any situation that potentially conflicts with the principle that this policy is intended to implement.*

*Further, the Regional Board of Trustees of SUNY Corning Community College recognize that New York State General Municipal Law, Article 18 (§800 et seq.) contains provisions of law relative to conflicts of interest of municipal officers and employees (see General Municipal Law, §800[4],[5]).*

Approved: 04/20/05

Referenced: Trustee Reference Manual

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**BOARD OF TRUSTEES EXCELLENCE IN TEACHING AWARD**

Resolution #238-88

BE IT RESOLVED, that the Board of Trustees of SUNY Corning Community College hereby establish a Board of Trustees Award for Excellence in Teaching.

Approved: 12/07/88

**NOMINATIONS FOR THE REGIONAL BOARD OF TRUSTEES  
EXCELLENCE IN TEACHING AWARD**

***In Celebration of Excellence in Teaching***

All **full-time faculty members** are invited to nominate a faculty colleague for the ***Regional Board of Trustees Excellence in Teaching Award***. The nominee must have five years of full-time teaching experience at SUNY Corning Community College and show undisputed excellence in all five of the criteria areas: Teaching Performance, Scholarship and Professional Growth, Student Services, Academic Standards and Requirements for Student Performance, and Curriculum Development and Instructional Improvement.

**Criteria:**

1. Teaching Performance. There must be positive evidence that the candidate performs superbly in the classroom. The nominees must maintain a flexible instructional policy which adapts readily to student needs, interests and problems. Mastery of teaching techniques must be demonstrated and substantiated.
2. Scholarship and Professional Growth. Candidates must keep abreast of their own field and use relevant contemporary data from that field and related disciplines in teaching.
3. Student Services. Candidates must be generous with personal time, easily accessible, and must demonstrate a continual concern for the intellectual growth of individual students. The focus here is the accessibility of the nominee to students outside of class; e.g., office hours, conferences, special meetings, and the nominee's responsibility in terms of student advisement.
4. Academic Standards and Requirements for Student Performance. Candidates must set high standards for students and help them attain academic excellence. Quantity and quality of work that is more than average for the subject must be required of the students. Candidates must work actively with individual students to help them improve their scholarly or artistic performance.
5. Curriculum Development and Instructional Improvement. Candidates must contribute to curriculum development and instructional improvement in their disciplines. There must be evidence that their colleagues, as well as students, gain substantially from their presence at the College.

**The Selection Process:**

1. The Vice President and Dean of Academic Affairs will request faculty to nominate their colleagues individually and confidentially, and on the basis of the listed criteria. A candidate must show undisputed excellence with respect to all five criteria. **Nominations are to be submitted to the respective Associate Deans by the end of February.**

2. Each Associate Dean will determine whether the nominees meet the five criteria areas and present, **to the Vice President and Dean of Academic Affairs by mid-March**, an evidence narrative for each nomination, describing how the candidate meets excellence standards for all five criteria. **Names of candidates remain confidential.**
3. The Vice President and Dean of Academic Affairs will convene an Awards Selection Committee consisting of the current chair of the Faculty Assembly (or his/her designee) and one faculty member from each academic division who has previously been awarded a Trustee's Award for Teaching Excellence to serve on the committee. The narratives prepared by Associate Deans will be presented to the committee for its review.
4. The Awards Selection Committee will nominate no more than three candidates to be **recommended as recipients of the award by early April**. The Vice President and Dean of Academic Affairs will recommend the candidates to the President, who in turn will make **a recommendation to the Regional Board of Trustees for its final action during the meeting immediately prior to commencement**.
5. Recipients of this award will be announced at **commencement**.

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## **GUIDELINES FOR AGENDAS FOR REGIONAL BOARD OF TRUSTEES MEETINGS**

Resolution #3937-15

- I. The Regional Board of Trustees functions on a strong committee system. All matters to be brought before the full Board are first brought to the appropriate committee, whose members then forward it to the full Board for information or action as they identify in their committee meeting.
- II. In order for Board members to provide input to members of committees they are not on, and in order for committee members to have adequate time to review proposed agenda items:

All background material for all topics to be discussed at Committee meetings is to be sent in advance with the agendas. The only things that are to be passed out the night of the meetings are items that came up after the agendas were sent out.

- III. The Board Agenda Action Items are divided into two categories – Consent and Regular.

Items on the Consent Agenda are passed as a group with one resolution. Items on the Regular Agenda are passed individually, with each having its own resolution.

Items to be placed on the Regular Agenda:

- New appointments – brand new to the College
  - Any new positions
  - Faculty promotions
  - Granting of tenure
  - Granting of sabbatical leaves
  - Awards
  - Granting of emeritus status
  - Academic calendars
  - Early retirement incentive programs
  - New academic program proposals (credit and non-credit)
  - Elimination of academic programs (credit and non-credit)
  - Budgets
  - Approval of financial reports
  - Facilities master plan
  - Capital projects
  - Capital, annual, and major gift campaigns
  - Borrowing
  - Requests for SUNY funding
  - Requests for gifts from the CCC Foundation
  - Appointments of auditors/financial consultants
  - Audit reports/approvals
  - Approval of signatures for financial dealings

- Depositories
- Contracts
- New policies and policy changes
- Naming of any facilities of CCC
- Graduation lists
- Strategic plan  
(supporting implementation plans to be communicated as discussion items)

Items to be placed on the Consent Agenda:

- New appointments
  - Appointment of non-student part-time employees to full-time positions
  - Appointment of existing employees to new positions, including from term to tenure track
- Performance Growth Awards
- Reappointments
- Normal salary increases/adjustments
- Retirements
- Resignations and separations from service
- Appointments to advisory boards
  - Revisions of job titles/job descriptions
  - Reclassifications
  - Leaves of absence, not including FMLA leaves

According to the by-laws, any Board member may request that an item be removed from the Consent Agenda and placed on the Regular Agenda. It is done as requested, without a vote necessary.

If there is a question about which agenda an item should be on, the Executive Committee of the Board would make the decision.

IV. Background notes for resolutions should include all relevant information to help Board members make decisions. Some information to be included:

- Any financial implications
- Effective dates

V. Background notes for Personnel resolutions:

- Appointments should include the title, effective date, length of appointment for term/temporary appointments, whether new or replacement position (including who is being replaced), effective date, salary, and brief resume
- Resignations, separations from service and retirements should include effective date, length of employment with the College, reasons, and

implications for the College; resignations and retirements should include an expression of thanks and good wishes.

- Emeritus status should include how nominated, and a description of service, including when the person started and retired

VI. Any modifying resolutions should make reference to the original (previous) resolution.

Revised: October 2014

Referenced: Trustee Reference Manual

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# **CAMPUS SAFETY and SECURITY**

## CHEMICAL HYGIENE PLAN

Resolution #445-91

The Occupational Safety and Health Administration (OSHA) requires employers to complete a Chemical Hygiene Plan (CHP) by January 31, 1991. The State of New York is required to adopt these rules as part of the Public Employees Safety and Health Act (PESHA) regulations.

The Chemical Hygiene Plan for SUNY Corning Community College is in response to these requirements. The Chemical Hygiene Plan is based on a model provided to the College by the State of New York and has been adapted for College use by the Biology/Chemistry Department.

Approved: 03/27/91

See Appendix A

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# CHILDREN ON CAMPUS POLICY

## SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: March 1, 2013	RBOT Resolution #4076-15 <b>Children on Campus</b>
Issue/amendment date: December 18, 2015	Author: Human Resources Office
Reference: RBOT Policy Manual	Rescinds: N/A

### **Policy Statement**

As a post-secondary institution, CCC strives to create a safe and appropriate adult learning environment. The campus grounds and operations are designed to provide an environment conducive to academic and occupational activities performed by students and employees. For reasons that include safety of children, and assuring professional efficient performance of academic pursuits, operations, and services, the College cannot routinely accommodate unsupervised children in campus workplaces, classrooms, or other locations.

### **Procedures**

#### **Section 1: Scope**

CCC encourages safe, supervised campus visits by children for the purposes of making decisions about their academic future; attending educational, cultural, or sporting events and camps; and authorized use of facilities such as the Spencer Crest Nature Center and Planetarium. This Policy does not preclude brief campus visits when the minor child is accompanied by another responsible adult. These procedures apply to students, employees, and visitors who may bring children under the age of 18 (unless a registered CCC/High School Learning Center student) to campus for any reason other than activities specifically organized/scheduled by the College for children or activities or facilities open to the public.

#### **Section 2: Guidelines**

While on any CCC property, children must at all times remain fully under the **direct** supervision of their parent/guardian/caretaker who is responsible for ensuring that no behaviors inconvenience, endanger, or disrupt the work activities of students, employees, or other visitors, as well as ensuring that no behaviors place the children's safety at risk. Leaving children unattended in public areas such as the library, gym, game room, cafeteria, etc. while the parent/guardian is in class or working does not meet this supervision standard.

Children may not attend class or class activities along with enrolled students except on very rare occasions with the explicit permission of faculty. Children may not be present at the employee's work site during the employee's assigned work hours except on very rare occasions with the explicit permission of the employee's supervisor.

Unsupervised children will be brought to the Public Safety Office until the parents can be contacted to resume control of the children. In such cases, the child's parent/guardian will be immediately contacted and asked either to resume direct supervision of the child or to leave campus with the child.

At no time should ill children be brought to campus. The College Health Office is established to serve students and is unable to provide services to children.

If an emergency situation arises and children are brought to campus, please keep the following points in mind:

- Unless explicit permission from an instructor is granted, children must not be brought to classes or any instructional area while classes are in session. Such permission should be granted sparingly and should take into account the best interest of all students in the class.
- Unless explicit permission from an employee's immediate supervisor is granted, children must not be brought to offices or other areas where the day-to-day business of the College is conducted while the employee is working. Such permission should be granted sparingly and should take into account the best interest of all employees of the department.
- Children must not be brought to risk areas, such as lab or lab preparation areas, food preparation/service areas, gyms and fitness centers, maintenance and garage areas, or in or around college motor vehicles and equipment. Unattended children could hurt themselves on machinery, fall down stairwells, etc.
- Children must not be left unattended at any place on campus, including the restrooms, game room, gym, library, grounds and parking lots.

The College reserves the right to direct that a child be removed from campus where the presence of the child causes an unacceptable health or safety risk or an unreasonable level of disruption to others.

Any questions concerning this policy may be directed to the Director of Human Resources at X9229.

Additional information on area child care resources is available from:

- Steuben Child Care Project, 117 E. Steuben St., Bath, NY 14810, (607) 776-2126
- Chemung County Child Care Council, Inc., 571 E. Market St., Elmira, NY 14901, (607) 734-3941
- Schuyler County Child Care Coordinators, 235 S. Catherine St., Montour Falls, NY 14865, (607) 535-7964

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**SUNY Corning Community College  
Board Policy and Administrative Procedures**

Effective Date: July 6, 2015	RBOT Resolution #4004-15 <b>Child Protection Policy</b>
Issue/amendment date: June 25, 2015	Author: Human Resources Office
References: RBOT Policy Manual	Rescinds: N/A

**Policy Statement**

SUNY Corning Community College is committed to protecting the safety and well-being of children who participate in college-related programs and activities, whether on or off campus, or utilize campus facilities for activities including, but not limited to, sports camps, academic and personal enrichment programs and research studies. Individuals must conduct themselves appropriately with children who participate in college-related programs and report instances or suspicion of physical or sexual abuse of children to the Department of Public Safety (607-962-9000).

**Definitions**

**College-affiliated organization:** The SUNY Corning Community College Development Foundation or any other entity so designated by the College President.

**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.

**Covered Activity:** A program or activity sponsored or approved by the College or a 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 approved vendor, licensee or permittee. This policy is not applicable to College 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:

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

**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.

**Responsible College Official:** The employee of the College or College-affiliated organization, who has been designated by the College as being responsible for performing the activities described in the “Required Conduct of a Responsible College Official” section of this policy.

**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. 3

## **Prohibited Conduct**

A Covered Person shall not:

- Be alone with a child, unless the Covered Person is a relative or guardian of the child or one-on-one contact is approved in accordance with a determination pursuant to the College Responsibilities section 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 of a Covered Person**

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 Department of Public Safety (DPS) at (607) 962-9000 and provide DPS with a written statement 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 the College's Policy on Mandatory Reporting and Prevention of Child Sexual Abuse, available on the Human Resources Office webpage.
- 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.

### **Required Conduct of a Responsible College Official**

A Responsible College Official shall:

- Confirm that the requirements of this policy have been communicated to all Covered Persons who are employees, volunteers, students or agents of the College or a College-affiliated organization 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 College Responsibilities, below) have been obtained and reviewed for the Covered Persons identified above prior to the commencement of a Covered Activity.
- Confirm that the completed Permittee Acknowledgement of Receipt of Corning Community College Child Protection Policies form has been obtained from the following Covered Persons prior to the commencement of a Covered Activity:
  - a vendor, licensee, permittee or other person, who is given permission to come onto campus or to use College facilities for Covered Activities; or
  - an employee, agent or volunteer of a vendor, licensee, permittee, or other person.
- Immediately report allegations of physical abuse or sexual abuse of a child to the Department of Public Safety (DPS) at (607) 962-9000 and complete and provide to DPS a written statement 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.

### **College Responsibilities**

The College will develop procedures to:

- Designate a Responsible College Official for each Covered Activity.
- Determine on a limited basis that the first sentence of the "Prohibited Conduct" section of this policy, which prohibits a Covered Person from being alone with a child, will 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, and medical, dental or optical services.

- Communicate the requirements of this Policy to all Covered Persons.
- Provide for and require training on this policy for all Covered Persons who are employees, volunteers, students or agents of the College or a College-affiliated organization prior to the commencement of a Covered Activity and biennially thereafter.
- 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 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 search of the NY Sex Offender Registry means:

- 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 [[url:http://www.criminaljustice.ny.gov/nsor/800info\\_cdsubmit.htm](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm)]; and
- retention of the records of the results of such search.

A search of the National Sex Offender Public Registry means:

- 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
- retention of the records of the results of such search.

- Provide for the prompt investigation and preparation of written findings by the Department of Public Safety of reports of suspected physical abuse or sexual abuse, and if there is reasonable cause to believe a crime has been committed, coordination by DPS with other law enforcement officials.
- Provide a mechanism to report and respond to allegations of retaliation (as described below).
- 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 years after the Covered Person has separated from employment or college service

## **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.

Individuals who experience retaliation should contact the Director of Human Resources, (607) 962-9444.

### 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:

- 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.
- 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:

-General Liability insurance two million dollars (\$2,000,000) each occurrence and two million dollars (\$2,000,000) in the aggregate;

-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.

-For those instances in which the College believes that the activity is so long or substantial and that the obtaining of such insurance will not unduly preclude beneficial use of the campus' facilities, the College will 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 claims made basis shall remain in effect for a minimum of six (6) months following the use of College facilities.

- If the Covered Activity is a Children's Camp as defined under New York Public Health Law §1392, 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.
- 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.
- A representation and warranty from permittee that for all Covered Activities:

-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

-the overall supervisor for each Covered Activity is an adult with certification or documented training and experience in the Covered Activity.

Note: The ACA standards do not apply to covered activities for the custody, control, and supervision of children is vested in the College or College-affiliated organizations.

- 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 the Policy on Mandatory Reporting and Prevention of Child Sexual Abuse; and
  - agrees to abide by all of the terms of these policies, including the requirement that any suspected physical or sexual abuse be immediately reported to the Department of Public Safety (607-962-9000).

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## **CODE RED PROCEDURES**

Resolution #2826-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Code Red Procedures, as amended, for inclusion in the College's Emergency Action Plan.

BE IT FURTHER RESOLVED, that Resolution #1850-03 is hereby rescinded.

Approved: 05/28/08

Replaced:  
Resolution #1850-03

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## **EMERGENCY ACTION PLAN**

Resolution #2872-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Emergency Action Plan, as amended, and authorizes future revisions, as needed.

BE IT FURTHER RESOLVED, that Resolution #1664-02 is hereby rescinded.

Approved: 07/09/08

Replaced:  
Resolution #1664-02

## HAZARD COMMUNICATION STANDARD COMPLIANCE

Resolution #227-88

WHEREAS, the College has need to comply with federal and state laws regarding hazardous materials on campus,

BE IT RESOLVED, that the Board of Trustees of SUNY Corning Community College hereby authorize the President of the College to designate a Hazardous Waste Compliance Officer, who will be responsible for insuring that the College is in compliance with federal and state laws regarding hazardous materials, and

BE IT FURTHER RESOLVED, that the President is directed to report to the Board annually on compliance activities.

Approved: 09/14/88

Referenced: Hazard Communication Program

See Appendix B

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**SUNY Corning Community College  
Board Policy and Administrative Procedures**

Effective Date: July 6, 2015	RBOT Resolution #4005-15 <b>Mandatory Reporting and Prevention of Child Sexual Abuse Policy</b>
Issue/amendment date: June 25, 2015	Author: Human Resources Office
References: RBOT Policy Manual	Rescinds: N/A

**Policy Statement**

Any employee or student of or volunteer for the College who witnesses or has reasonable cause to suspect any sexual abuse of a child occurring on College property or while off campus during official College business or College-sponsored events has an affirmative obligation to report such conduct to the Department of Public Safety (607-962-9000) immediately. Such report should include the names of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, the Department of Public Safety will promptly notify the Commissioner of University Police at SUNY System Administration who will report such incidents to the Chancellor for periodic reporting to the SUNY Board of Trustees.

In addition, to aid in the prevention of crimes against children on College property and/or during official College business and at events sponsored by the College, relevant employees should be trained on the identification of such crimes and proper notification requirements. Vendors, licensees or others who are given permission to come onto campus or to use College facilities for events or activities that will include participation of children shall ensure that they have in place procedures for training, implementation of applicable pre-employment screening requirements and reporting of child sexual abuse.

For purposes of this policy, the applicable definitions of child sexual abuse are those used in the NYS Penal Law in Articles 130 and 263 and Section 260.10 and “child” is defined as an individual under the age of 17.

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# POLICY AGAINST WORKPLACE VIOLENCE

## SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: March 21, 2013	RBOT Resolution #4402-17 <b>Policy Against Workplace Violence</b>
Issue/amendment date: December 14, 2017	Author: Human Resources/Public Safety Offices
Reference: RBOT Policy Handbook	Rescinds: RBOT Resolution 3581-13

### **Policy Statement**

SUNY Corning Community College is committed to creating and maintaining a safe working environment that is free from violence for all members of the College community. The College will not tolerate any acts of workplace violence such as physical assaults or acts of aggressive behavior including, but not limited to: attempts or threats (whether verbal or physical) to inflict physical injury upon an employee; any intentional display of force which would give reason for an employee to fear or expect bodily harm; intentional and wrongful physical contact with an employee without his/her consent that entails the potential for some injury; and stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when stalking has arisen through and in the course of employment.

### **Guidelines**

Workplace violence may occur within a wide variety of interactions between faculty, staff, students, and visitors at the College. This policy is intended to meet the requirements of NYS Labor Law 27-b. The College has developed a Workplace Violence Prevention Program which is available on the HR webpage of MYCCC and from the Public Safety and Human Resources Offices. A committee comprised of both union and non-union employees has been established to assist in the ongoing evaluations of workplace violence hazards and the identification of methods to reduce or eliminate such hazards.

The College will work to prevent and eliminate workplace violence on campus and will respond promptly and decisively to acts of workplace violence. This response will include timely involvement of law enforcement agencies, as appropriate. If an employee observes or experiences an incident of workplace violence in which there is an imminent threat to an employee's safety or a physical injury has occurred, he/she must immediately contact the Department of Public Safety at X9000 and notify his/her immediate supervisor. Building red phones may also be utilized for this purpose.

Employees or supervisors who become aware of workplace violence incidents in which there is no imminent threat and no physical injury has occurred should contact the Human Resources Office (X9229) for assistance. Any questions concerning this policy, including what may constitute workplace violence, may be directed to the Director of Public Safety at X9000 or the Director of Human Resources at X9229.

Individuals who commit or threaten to commit acts of workplace violence on College property will be subject to disciplinary action, up to and including termination of employment, as well as referral to appropriate authorities for criminal and/or civil prosecution, as appropriate. Any individual who makes a substantial threat, exhibits threatening behavior or engages in acts of workplace violence on College property will also be subject to removal from the premises as quickly as safety permits.

No employee shall be subjected to retaliation or disciplinary action from the College for good faith reporting pursuant to this policy. However, individuals who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action and/or referral to appropriate authorities for criminal and/or civil action, as appropriate.

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# RESPONSE POLICY FOR SEXUAL VIOLENCE AND OTHER MISCONDUCT

## SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: March 13, 2015	RBOT Resolution # 4852--23 <b>Response Policy for Sexual Violence and Other Misconduct</b>
Amendment date: March 16, 2023	Author: Human Resources Office
References: RBOT Policy Manual, College Catalog, College website	Amends: RBOT Resolution #4336-17; T4417-18

### **Policy Statement**

This policy and any associated administrative requirements and procedures are intended to comply with the uniform sexual assault prevention and response policies developed by the State University of New York for implementation at each of its State-operated and community college campuses, as well as with applicable federal and New York State law.

### **Definition of Sexual Violence**

Sexual violence, as that term is used in this document and prior U.S. Office for Civil Rights guidance, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (as defined within this policy). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence could involve students, College employees, third parties or a combination. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX and the College's Equal Employment and Educational Opportunity Policy.

### **Definition of Affirmative Consent**

Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create a clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

## **Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases**

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

## **Reporting Options, Resources, Protections, and Accommodations for Victims/Survivors**

In accordance with the Students' Bill of Rights, available at:

[www.corning-cc.edu/sexualviolence](http://www.corning-cc.edu/sexualviolence), reporting individuals will have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

### Reporting:

- To disclose *confidentially* the incident to one of the following College officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential reporting is available at:

<https://www.corning-cc.edu/sexualviolence/confidentialdisclose>).

-Chaplain's Office, Commons Building, (607) 962-9257

-Health Services Office, Commons Building, (607) 962-9257

- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:

-SurvJustice: <http://www.survjustice.org/services.html>

-Legal Momentum: <https://www.legalmomentum.org/>

-NYSCASA: <http://www.casanys.org>

-NYSCADV: <http://www.nyscadv.org/>

-Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>

-GLBTQ Domestic Violence Project: <http://www.glbtdvp.org/>

-RAINN: <https://www.rainn.org/get-help>

-Safe Horizons: <http://www.safehorizon.org/>.

(Please note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting Individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).



- To disclose the incident to one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These College officials will disclose that they are private and not confidential resources and they may still be required by law and College policy to inform one or more College officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal justice process should be directed to law enforcement or district attorney:

- Title IX Coordinator, David Burdick, (607) 962-9328, Executive Director of Auxiliary Campus Services, 1 Academic Drive, Administration Building, Corning, NY 14830, [dburdic4@corning-cc.edu](mailto:dburdic4@corning-cc.edu)

- Department of Public Safety, (607)962-9000 or [publicsafety@corninig-cc.edu](mailto:publicsafety@corninig-cc.edu)

- To file a criminal complaint with the Department of Public Safety and/or with local law enforcement and/or state police:

- Corning Community College Department of Public Safety, (607)962-9000 or [publicsafety@corninig-cc.edu](mailto:publicsafety@corninig-cc.edu)

- Steuben County Sheriff, Dial 911 or 7007 Rumsey St. Ext., Bath, NY 14810, (800) 724-7777 or (607) 622-3930.

- New York State Police, Dial 911 or Painted Post Barracks 3859 Meads Creek Road, Painted Post, NY 14870, (607)962-6865.

- To receive assistance from the Department of Public Safety in initiating legal proceedings in family court or civil court.

- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports of sexual assault will be investigated in accordance with the College's Equal Employment and Educational Opportunity Complaint Procedure, available at: <https://www.corning-cc.edu/sexualviolence>

Complaints of domestic violence, dating violence, and/or stalking will be investigated in accordance with procedure established under the student conduct process. The reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call the Title IX Coordinator's office anonymously to discuss the situation and available options (<https://www.corning-cc.edu/sexualviolence>).

- David Burdick, (607) 962-9328, Executive Director of Auxiliary Campus Services, 1 Academic Drive, Administration Building, Corning, NY 14830, [dburdic4@corning-cc.edu](mailto:dburdic4@corning-cc.edu)

- When the accused is an employee, a reporting individual may also report the incident Dave Burdick, Title IX Coordinator, Administration Building, (607) 962-9328, dburdic4@corning-cc.edu, or may request that one of the above referenced confidential or private employees assist in reporting the incident to the Human Resources Office. Disciplinary proceedings will be conducted in accordance with applicable College policy or collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the College, College officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and College policy.

- You may withdraw your complaint or involvement from the College process at any time.

- At the first instance of disclosure by a reporting individual to a College representative, the following information shall be presented to the reporting individual, “You have the right to make a report to the College’s Department of Public Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College.

#### Resources:

- Emergency access to obtain effective intervention services:

##### Survivor Support Services:

135 Walnut Street, Corning, NY 14830

755 E. Church Street, Elmira, NY 14901

323 Owego Street, Unit #12, Montour Falls, NY 14865

Toll-Free Hotline: 888-810-0093

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Information on testing for STIs, emergency contraception, and whether such testing is provided for free or at a cost is available from SARC.

- A free, confidential counseling and resource referral service for students and their family members which is available 24/7:

- Clinical Associates, <https://www.clinicalassociates.org/sap> 607.936.1771

- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases; insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here:, <https://ovs.ny.gov/help-crime-victims>, or by calling 1-800-247-8035.

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

#### Protection and Accommodations:

- When the accused is a student, to have the College issue a “No Contact Order,” consistent with College policy and procedure, meaning that continuing to contact the protected individual is a violation of College policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.

The College will promptly review existing “No Contact Orders” at a party’s request, including requests to modify the terms of or discontinue an order, The parties can submit evidence to support their requests. If the College finds it appropriate, it can even make a schedule for the parties who seek to use the same facilities without running afoul of the “No Contact Order.”

- To have assistance from the Department of Public Safety or other College officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.

- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a College official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

- To receive an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.

- To receive assistance from The Department Of Public Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of The Department of Public Safety or, if outside of the jurisdiction or if the Department of Public Safety does not have arresting powers to call on and assist local law enforcement in effecting an arrest for violating such an order.

- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a complaint procedure or conduct process. The College will promptly review existing interim suspensions at a party’s request, including requests to modify the terms or discontinue an interim suspension. Parties can submit evidence to support their request.

- When the accused is not a student but is a member of the College community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and College policies and rules.

- When the accused is not a member of the college community, to have assistance from the Department of Public Safety or other College officials in obtaining a persona non grata letter, subject to legal requirements and College policy.

- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. The parties can submit evidence to support their requests. While reporting

individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:

- David Burdick, (607) 962-9328, Executive Director of Auxiliary Campus Services, 1 Academic Drive, Administration Building, Corning, NY 14830, [dburdic4@corning-cc.edu](mailto:dburdic4@corning-cc.edu)

#### Student Conduct Process:

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the Corning Community College Course Catalog and Information Guide (<https://www.corning-cc.edu/student-code-conduct>), as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

- Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;

- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.

- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.

- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.

- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.

- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).

- The right to present evidence and testimony at a hearing, where appropriate.

-The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.

-The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in College disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

-The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.

-The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

-The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision and any sanctions.

-The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.

-Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.

-The right to have access to a full and fair record of a student conduct hearing which shall be preserved and maintained for at least five years.

-For information on the Student Code of Conduct and the student conduct process, contact the Assistant Dean of Student Services, Gymnasium, (607) 962-9318.

- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

- The right to have all information obtained during the course of the conduct or complaint process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

*Warning! If you are reading a printed copy of this document, you may not have the current information. Please refer to the Regional Board of Trustees Policy Manual, available on the Office of the President's web page, for the latest version of this policy.*

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**Grievance Procedures for Sex-Based Harassment Complaints  
Title IX Procedures for Students (Including NYS 129-B)**

Effective Date: October 17, 2024	RBOT Resolution #4928-24 Freedom of Expression & Assembly Policy & Procedure
Rescinds: RBOT Resolution #4853-23	Author: David Burdick-Title IX Coordinator

**This Grievance Procedure applies to incidents occurring on or after August 1, 2024. Incidents reported before July 31, 2024, will be processed under the institution's 2020 Title IX Grievance Policy.**

- I. Effective Date and Changes to Procedure Based on Court Rulings and Legal Challenges or Changes in Law or Regulation
- II. Scope of Procedure
- III. Jurisdiction of Procedure
- IV. Students' Bill of Rights
- V. Non-Discrimination in Application
- VI. Definitions
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  - A. Filing a Complaint
  - B. Multi-Party Situations and Consolidation of Complaints
  - C. Allegations Potentially Falling Under Two Policies
  - D. Dismissal of a Complaint
  - E. Notice of Allegations
  - F. Advisor of Choice and Participation of Advisor of Choice
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  - I. Determination Regarding Responsibility and Sanctioning
  - J. Appeals
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- XIV. Retaliation
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\*This policy is in effect as of 8/1/2024

## Effective Date and Changes to Procedure Based on Court Rulings and Legal Challenges or Changes in Law or Regulation

This Grievance Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Grievance Procedure that occurred on or before July 31, 2024 will be processed through the institution's 2020 Title IX Grievance Policy.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Procedure, the Procedures in their entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy and/or SUNY Corning Community College's Sexual and Interpersonal Misconduct policies. SUNY Corning Community College will update this Procedure as soon as practicable to reflect any court rulings or changes that invalidate parts of the Procedure, if applicable.

### **I. Scope of Procedure**

SUNY Corning Community College {herein after referred to as CCC} has adopted a grievance procedure that provides for the prompt and equitable resolution of sex discrimination complaints made by students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Title IX's prohibition on sex discrimination includes sex-based harassment in the form of quid pro quo harassment, hostile environment harassment, and four specific offenses (sexual assault, dating violence, domestic violence, and stalking). For the prompt and equitable resolution of Complaints of sex-based harassment involving a student Party, the institution will utilize the TIX Grievance Procedures as outlined.

### **II. Jurisdiction of Procedure**

CCC's Title IX Coordinator or designee will determine if this Grievance Procedure applies to a Complaint. This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- a) The conduct alleged occurred on or after August 1, 2024;
- b) The conduct alleged occurred in the United States. The conduct alleged occurred on campus, off campus, or while studying abroad
- c) The conduct alleged occurred in CCC's Education Program or Activity; and
- d) The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Procedure.

NOTE: CCC has an obligation to address a sex-based hostile environment under its Education Program or Activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside CCC's Education Program or Activity, or outside of the United States. CCC's Title IX Coordinator will work with all Complainants to assess such complaints that may fall under these criteria, and direct to appropriate College Policies and Procedures that may apply if this Grievance Procedure does not. CCC will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the Dismissals section below.

Conduct that occurs under CCC's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization {if applicable} that is officially recognized by CCC and conduct that is subject to CCC's disciplinary authority under CCC's Code of Conduct.

If all elements of jurisdiction are met, CCC will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued or there are grounds for dismissal of the complaint.

### **III. Students' Bill of Rights**

All Students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from Retaliation by the institution, any Student, the Accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual or Complainant, Accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution



#### **IV. Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or other protected classes covered by applicable federal, state, or local law. All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the U.S. Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>. Individuals may also file complaints with the New York State Division of Human Rights (DHR), using contact information available at <https://dhr.ny.gov/complaint>.

## V. Definitions

**Accused** means a person accused of a violation who has not yet entered an institution's judicial or conduct process.

**Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an Education Program or Activity operated by CCC.

**Bystander** means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of an institution.

**Code of conduct** means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

**Complainant** means:

- 1) a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment as defined in these procedures and who was participating or attempting to participate in CCC's Education Program or Activity; or
- 2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment under this grievance procedure and who was participating or attempting to participate in CCC's Education Program or Activity at the time of the alleged Sex-Based Harassment.
- 3) Complainant may also be referred to as a Reporting Individual in this Grievance Procedure, in alignment with New York State Education Law Article 129-B.

**Complaint** means an oral or written request to CCC that objectively can be understood as a request for CCC to investigate and make a determination about alleged Sex-Based Harassment at the institution.

**Confidential Employee** means:

- An employee of CCC whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- An employee of CCC whom the recipient has designated as confidential for the purpose of providing services to persons related to Sex-Based Harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about Sex-Based Harassment in connection with providing those services; or
- An employee of CCC who is conducting an Institutional Review Board- approved human-subjects research study designed to gather information about Sex-Based Harassment. The employee's confidential status is only with respect to information received while conducting the study.

**Consent** means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create

clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated.

Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When Consent is withdrawn or can no longer be given, sexual activity must stop. "Consent" and "affirmative consent" may be used interchangeably under this Grievance Procedure.

**Disciplinary Sanctions** means consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated CCC's prohibited Sex-Based Harassment.

**Education Program or Activity** means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by CCC that receives Federal financial assistance.

**Party** means Complainant or Respondent.

**Peer Retaliation** means Retaliation by a Student against another Student.

**Relevant** means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decision-maker in determining whether the alleged Sex-Based Harassment occurred.

**Remedies** means measures provided, as appropriate, to a Complainant or any other person CCC identifies as having had their equal access to CCC's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to CCC's Education Program or Activity after CCC determines that Sex-Based Harassment occurred.

**Respondent** means a person who is alleged to have violated CCC's prohibition on Sex-Based Harassment.

**Retaliation** means intimidation, threats, coercion, or discrimination by any person by CCC, a Student, or an employee or other person authorized by CCC to provide aid, benefit, or service under CCC's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this grievance procedure including an informal resolution process.

**Sex-Based Harassment** means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

***Quid pro quo harassment.*** An employee, agent or other person authorized by CCC's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

***Hostile Environment harassment.*** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from CCC's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access CCC's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within CCC's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in CCC's Education Program or Activity;

***Sexual Assault*** (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;

***Dating Violence*** {as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act} means any violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and,
- where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

***Domestic Violence*** means any felony or misdemeanor crimes committed by a person who:

- is a current or former partner of the victim under the family or domestic violence laws of New York, or a person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- shared a child in common with the victim; or
- commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York; or

***Stalking*** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a) fear for the person's safety or the safety of others; or
- b) suffer substantial emotional distress.

**Student** means a person who has gained admission.

**Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- a. restore or preserve that Party's access to CCC's Education Program or Activity, including measures that are designed to protect the safety of the Parties CCC's educational environment; or
- b. provide support during CCC's grievance procedures for Sex-Based Harassment, or during the informal resolution process.

## **VI. Disability Accommodations**

### *Generally*

This procedure does not alter any institutional obligations under applicable federal state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### *Requests for Reasonable Accommodations During the Title IX Grievance Procedure*

If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the Accessibility Services Office to provide support to students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure

## **VII. Policy for Alcohol and/or Drug Use Amnesty**

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

## **VIII. Basic Requirements of the Grievance Procedure**

CCC is required to:

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by CCC as a Title IX Coordinator, investigator, or decision-maker does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Establish reasonably prompt timeframes for the major stages of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case- by case basis for good cause with notice to the Parties that includes the reason for

the delay;

- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this Grievance Procedure;
- Ensure an objective evaluation of all evidence that is Relevant and not otherwise impermissible under this Procedure, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent or Witness;
- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how CCC will determine which policies and procedures apply if not all such complaints are handled under this institutional Grievance Procedure.

## **IX. Reporting Sex-Based Harassment Occurring Between Students to the Institution**

### **Non-Confidential Reports**

Any person may report sex discrimination, including Sex-Based Harassment (whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination or Sex-Based Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator at CCC:

Name: David P. Burdick

Title: Title IX Coordinator

Office Address: 1 Academic Drive, Parsons Administration Building, Room: A207-A

Email Address: [dburdic4@corning-cc.edu](mailto:dburdic4@corning-cc.edu) or [titleIXoffice@corning-cc.edu](mailto:titleIXoffice@corning-cc.edu)

Telephone Number: 607-962-9328

Name: Stacy Ward

Title: Deputy Title IX Coordinator

Office Address: 1 Academic Drive, Parsons Administration Building, Room: A102

Email Address: [sward11@corning-cc.edu](mailto:sward11@corning-cc.edu) or [titleIXoffice@corning-cc.edu](mailto:titleIXoffice@corning-cc.edu)

Telephone Number: 607-962-9444

The following officials at CCC will provide **privacy**, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with authority to institute corrective measures under Title IX;
- All other employees at CCC that are not designated as confidential resources



### ***Privacy vs. Confidentiality***

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean CCC offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. CCC will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### ***Confidential Reports***

The following officials at CCC may provide confidentiality:

- College Nurses located in the Health Services Office in the Commons Building, and
- The CCC Chaplain

There are other confidential options available for crisis intervention, resources and referrals, but these are not reporting mechanisms to the institution, meaning that disclosure on a call to one of these hotlines does not provide any information to CCC.

Complainants are encouraged to additionally contact a campus confidential or private resource so that CCC can take appropriate action in these cases. Some resources for confidential disclosure NOT to the institution are:

- The New York State Office for the Prevention of Domestic Violence hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be obtained by calling 1-800-942-6906).
- NYSCASA: <https://nyscasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- RAINN: <https://www.rainn.org/get-help>; and
- Safe Horizons: <http://www.safehorizon.org/>.
- SUNY Sexual Assault & Violence Response: <https://www.suny.edu/violence-response/>

### ***At the First Instance of Disclosure of a Report***

CCC shall ensure that, at a minimum, at the first instance of disclosure by a Complainant to a CCC representative, the following information shall be presented to the Complainant:

***“You have the right to make a report to the Department of Public Safety, local law enforcement, and/or state police or choose not to report; to report the incident to the***

*college; to be protected by the college from retaliation for reporting an incident; and to receive assistance and resources from the college.”*

## **X. Supportive and Interim Measures**

### *Providing Supportive Measures*

Complainants who report allegations of Sex-Based Harassment have the right to receive supportive measures from CCC regardless of whether they file a complaint. Supportive measures are non-disciplinary and non-punitive. Supportive measures may vary depending upon what is reasonably available at CCC.

As appropriate, supportive measures may include without limitation:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services, as available
- Restrictions on contact applied to one or more Parties (no contact orders)
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Training and education programs related to Sex-Based Harassment
- Assistance by CCC’s Department of Public Safety, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order.

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or CCC’s educational environment, or to provide support during CCC’s Sex-Based Harassment grievance procedures under this policy, or during informal resolution under this procedure.

CCC may modify or terminate supportive measures at the conclusion of the grievance procedure or at the conclusion of the informal resolution process, or may continue them beyond that point within CCC’s discretion.

CCC will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another

Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to CCC's Education Program or Activity, or there is an exception that applies, such as:

- CCC has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in CCC's Education Program or Activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

#### **Note on Orders of Protection and their equivalent:**

CCC must provide a copy of the order of protection {No Contact Order} or equivalent when it is received by CCC, and Parties shall have the opportunity to meet or speak with the Title IX Coordinator, who can explain the order and answer questions about it, including information from the order about the Accused's/Respondent's responsibility to stay away from the protected person or persons. Parties are entitled to an explanation of the consequences for violating these orders, including without limitation, arrest, additional conduct charges, and interim suspension or emergency removal, as applicable. A Complainant is also entitled to receive assistance from The Department of Public Safety in effecting an arrest when an individual violates an order of protection or, if College Police does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such order, in accordance with limits on current law enforcement jurisdiction and procedures.

#### **Process for Review of Supportive Measures**

CCC provides for a Complainant or Respondent to seek modification or reversal of CCC's decision to provide, deny, modify or terminate a supportive measure. Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;
- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

Request for a modification or reversal of a supportive measure must be timely, and should be submitted to CCC's Vice President of Student Development and Enrollment Management within 3 business days. CCC will conduct a fact specific inquiry into timeliness.

This review will be conducted by an impartial employee of CCC, who did not make the challenged decision on the original supportive measure request. The impartial employee of CCC who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

### ***Emergency Removal***

CCC retains the authority to remove a Respondent from all or part of CCC's Education Program or Activity on an emergency basis, where CCC;

- (1) undertakes an individualized safety and risk analysis, and
- (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal.

CCC will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The respondent may challenge the emergency removal in writing to the Vice President of Student Development and Enrollment Management or their designee within 3 business days of the receipt of the emergency removal notification.

The decision-maker who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination. Emergency removals will not be considered relevant evidence that can be considered in reaching a determination of whether Sex- Based Harassment occurred.

### ***Administrative Leave***

CCC retains the authority to place a non-student employee Respondent on administrative leave during the Grievance Procedure, consistent with CCC's collective bargaining agreements, if applicable.

**Note on student employees:** When a Complainant or Respondent is both a student and an employee of CCC, CCC must make a fact-specific inquiry to determine whether this procedure applies to that student employee. CCC will consider if the Complainant or Respondent's primary relationship with CCC is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

## **XI. The Title IX Grievance Procedure for Sex-Based Harassment Occurring Between Students**

### **A. Filing a Complaint**

*Who can make a Complaint?*

- A Complainant (as defined in Section VI(6) of this Grievance Procedure); or
- The Title IX Coordinator.

*Note on Title IX Coordinator initiated Complaints:*

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, the Title IX Coordinator must

determine whether to initiate a Complaint of Sex-Based Harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment would occur if a complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Sex-Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of CCC;
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decision-maker in determining whether Sex-Based Harassment occurred; and
- Whether CCC could end the alleged Sex-Based Harassment and prevent its recurrence without initiating this Grievance Procedure.

If after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents CCC from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section VI of this Grievance Procedure.

*Is there a particular format that the Complaint needs to be in?*

As defined in VI(6) of this Grievance Procedure, a Complaint can be an oral or written request to CCC that objectively can be understood as a request for CCC to investigate and make a determination about alleged Sex-Based Harassment at the institution.

*Who can I report a Complaint to?*

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint

CCC requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of CCC or has responsibility for administrative leadership, teaching, or advising in CCC's Education Program or Activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment. All other employees at CCC who are not Confidential Employees and are not employees as identified above are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment, under Title IX or any institutional policy or this Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

*What is the timeframe for CCC to evaluate if the Title IX Coordinator is initiating an investigation under this Grievance Procedure?*

The Title IX Coordinator must evaluate whether the Complaint falls under this Grievance Procedure no longer than 10 business days after the Complaint is made and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

*Can I make a Complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?*

Yes. CCC has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent complaint before law enforcement. This process is an administrative process that is different from the criminal justice process. Per New York state law, it is required that CCC's process run concurrently with a criminal justice investigation and proceeding, however, temporary delays are allowed as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

## **B. Multi-Party Situations and Consolidation of Complaints**

CCC may consolidate complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances.

CCC can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

## **C. Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

## **D. Dismissal of a Complaint**

### *Grounds for Dismissal*

- CCC may dismiss a complaint of Sex-Based Harassment for any of the following reasons:
- CCC is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in CCC's Education program or Activity and is not employed by CCC;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint of these procedures, and CCC determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Sex-Based Harassment under Title IX or this Grievance Procedure even if proven; or
- CCC determines that the conduct alleged in the complaint, even if proven, would not constitute Sex-Based Harassment under Title IX or these procedures. Note: CCC must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.



### *Notice of Dismissal*

If CCC dismisses a complaint, CCC is required to promptly notify the Complainant of the basis for dismissal. If the dismissal of the complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to notice the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be noticed of the complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then CCC must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights must also be outlined in any notification of dismissal of a complaint, as included below under Appeal of Dismissals.

### *Appeals of Dismissals*

CCC must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity to appeal the dismissal of a complaint on the following grounds:

- Procedural irregularity: procedural irregularity that affected the outcome of the matter (i.e., a failure to follow CCC's own policy to a degree that had material effect on the outcome of the matter);
- New evidence: New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal of the complaint was made; and
- Conflict of Interest or Bias: The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, CCC must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities (if possible) remain available during the pendency of the appeal.

If a Party appeals, the institution will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal. Appeals may be no longer than 10 pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by CCC's Vice President of Student Development and Enrollment Management or their designee who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

The Outcome of an appeal will be provided in writing simultaneously to both Parties and include the rationale for the decision.

## **E. Notice of Allegations**

Upon initiating CCC's Grievance Procedures, the Title IX Coordinator shall provide a notice of allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after CCC receives a complaint, if there are no extenuating circumstances. CCC will provide the Notice of Allegations within 5 business days after receiving a complaint.

### *What does the Notice of Allegations Include?*

The written Notice of Allegations must include:

- CCC's Grievance Procedures and Informal Resolution process;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedures, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to CCC;
- A statement that the Parties are entitled an equal opportunity to access the Relevant and not otherwise impermissible evidence;
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of CCC's Grievance Procedures and that prior to the determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decision-maker;
- Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney;
- CCC's code of conduct prohibits knowingly making false statements or knowingly submitting false information during CCC's Grievance Procedures; and
- If, in the course of an investigation, CCC decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegations provided, CCC is required to provide written notice of any additional allegations to the Parties whose identities are known.

### *What if CCC decides to investigate additional allegations of Sex-Based Harassment?*

If, in the course of an investigation, CCC decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original issued written Notice of Allegations, or that are included in a complaint that is consolidated under this Grievance Procedure, CCC shall provide notice of the additional allegations to the Parties whose identities are known.

### *What if I have safety concerns about a Notice of Allegations being issued to a Respondent?*

To the extent that CCC has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, CCC through the Title IX Coordinator, may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

## **F. Advisor of Choice and Participation of Advisor of Choice**

A Party's advisor of choice may accompany the Party to any meeting or proceeding and CCC cannot limit the choice of who that advisor may be or their presence for the Parties in any meeting or proceeding unless such advisor does not follow CCC's established rules of decorum and rules around participation.

## **G. Investigation**

### *General Rules of Investigations*

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a reasonably prompt timeframe, after issuing the Notice of Allegations.

CCC, and not the Parties, have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Procedure. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred, or may decide not to participate in the investigation or hearing.

This does not shift the burden of proof away from CCC and does not indicate responsibility.

CCC cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong, or of whom the records include information. CCC will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

### *Notice of Participation*

CCC will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate, if a Party is invited or expected to participate in any such meeting or proceeding.

### *Advisors of Choice and Participation of Advisors of Choice*

CCC will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding. Advisors will be provided an opportunity to ask the administrator of the meeting questions. Advisors will not be allowed to speak on behalf of the complainant or respondent or cross examine any party at a live hearing.

### *Expert Witnesses*

Parties may present expert witnesses as part of an investigation.

Parties are allowed to call “expert witnesses” for direct examination and credibility assessment by the hearing board. CCC does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses regardless of whether all Parties present experts as witnesses.

### *Character Witnesses*

CCC allows Parties to call character witnesses to testify. CCC does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

### *Access to and Review of the Investigative Report*

Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with an equal opportunity to access and review an accurate description of the Relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The Parties and their advisors of choice will also have an equal opportunity to access and review the underlying Relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any Party.

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with a reasonable opportunity to respond to the investigative report. Both Parties will have the opportunity to respond to the investigative report prior to and during the live hearing.

CCC will take reasonable steps to prevent and address the Parties' and their advisors of choice's unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to CCC's code of conduct.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

### *Review and Access to Relevant and Not Otherwise Impermissible Evidence*

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

Each Party and their advisors of choice will have an equal opportunity to review and access the evidence that is Relevant to the allegations of sex-based discrimination and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the evidence. Both Parties will have the opportunity to respond to the evidence prior to and during the live hearing. CCC will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to CCC's code of conduct.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

### *Relevant Evidence*

Evidence is Relevant when it is related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure.

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decision-maker in determining whether the alleged Sex-Based Harassment occurred.

### *Impermissible Evidence*

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by CCC to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

- Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless CCC obtains that Party's or witness's voluntary, written consent for use in CCC's Grievance Procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. Note: the fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

### *Timeframes*

An investigation shall take 90 calendar days to complete. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, as detailed below.

### *Extensions and Delays*

CCC allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

## **H. Live Hearing – Student process**

### *General Rules for Live Hearings*

CCC will not issue a finding or disciplinary sanction arising from an allegation of Sex- Based Harassment without holding a live hearing unless otherwise resolved through an informal resolution process as outlined in this Grievance Procedure.

The live hearing may be conducted with the Parties physically present in the same geographic location. CCC has the discretion to conduct the live hearing with the Parties physically present in

separate locations, with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or the witness while that person is speaking. A Party may also request this option prior to the hearing.

CCC shall create an audio or audiovisual recording or transcript of any live hearing and make it available to the Parties for inspection and review.



### *Participants in the Live Hearing*

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

If a Party chooses not to participate in the process or the hearing, the live hearing may still proceed in the absence of a Party, and CCC may reach a determination of responsibility in their absence, including through any evidence gathered and other witness statements. CCC will not threaten, coerce, intimidate or discriminate against any Party in an attempt to secure the Party's participation. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing, or a refusal to answer questions.

The Parties shall be subject to CCC's rules of decorum:

#### **Rules of Decorum**

- Where the Student Conduct Advisor removes a party's advisor, the hearing will continue in the absence of that party's advisor. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed.
- Relevant Questions Asked in Violation of the Rules of Decorum
- Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (the respondent/reporting individual, or a replacement advisor, should the advisor be removed for violation of the Rules).

#### *The Decision-maker*

The hearing body will consist of a single decision-maker and a secondary hearing officer who will not make determinations regarding responsibility or sanctions. No member of the hearing body will have served as the Title IX Coordinator, Title IX investigator or advisor to any Party in the case, nor may any member of the hearing body serve on the appeals body in the case. No member of the hearing body will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The hearing body will be trained prior to serving during any hearing. The Parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the livehearing.

#### *Student Conduct Advisor*

Student Conduct Advisors will be a professional member designated by the Student Conduct Office and will be responsible for supervising the hearing, consulting with the Decision Maker when

making procedural determinations, and supervising the deliberations. The Student Conduct Advisor may ask questions of the Parties and witnesses as the hearing occurs.

### *Advisor of Choice*

The Parties have the right to select an advisor of their choice, who may be, but is not required to be, an attorney. The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend but may not speak for the Party. An advisor of choice is not prohibited from being a witness in the hearing. Advisors of choice are subject to CCC's rules of decorum and may be removed upon violation of those rules.

### *Witnesses*

Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from Retaliation. Witnesses are subject to CCC's rules of decorum, and may be removed upon violation of those rules.

### *Hearing Procedures*

For all live hearings conducted, the Student Conduct Advisor will open and establish rules and expectations for the hearing. The Parties will each be given an opportunity to provide opening statements. Questioning of the Parties and witnesses will occur according to the procedures below.

### *Questioning Parties and Witnesses*

During a live hearing, each Party is allowed to ask Relevant and not otherwise impermissible questions and follow-up questions of the Parties and witnesses through the decision-maker. No questioning to another Party or witness will be conducted by a Party personally.

### *Procedures for Decision-maker's Evaluation of Questions and Limitation on Questions*

The single decision-maker will determine whether a proposed question is Relevant and not otherwise impermissible as described in this Grievance Procedure, prior to the question being posed, and will explain any decision to exclude a question as not Relevant or otherwise impermissible. The decision maker may consult with the Student Conduct Advisor. If the single decision-maker determines that a Party's question is Relevant and not otherwise impermissible, then the question must be asked unless such question is unclear or harassing of the Party or witness being questioned. The single decision-maker must give a Party an opportunity to clarify or revise a question that the single decision-maker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question must be asked.

### *Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions*

A single decision-maker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible.

The single decision-maker must not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

Rules of Decorum, as stated above, apply equally to the Parties.

### *Continuances or Granting Extensions*

CCC may determine that multiple sessions or a continuance (a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, CCC will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### *Newly-discovered Evidence*

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a Party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the Party may request that such evidence or witnesses be considered at the live hearing.

The decision maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The Party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence. If the decision maker answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

## **I. Determination Regarding Responsibility and Sanctioning**

### *Standard of Proof*

CCC uses the preponderance of the evidence standard of proof to determine whether or not Sex-Based Harassment occurred. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Grievance Procedures occurred.

### *General Considerations for Evaluating Evidence and Testimony*

The decision-maker is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the decision-maker must not determine that Sex-Based Harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decision-maker. Decision-makers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both

inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness' testimony regarding third-Party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

#### *Expert Witnesses*

Parties may present expert witnesses as part of an investigation.

Parties are allowed to call "expert witnesses" for direct examination and credibility assessment by the decision maker. CCC does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses regardless of whether all Parties present experts as witnesses.

#### *Character Witnesses*

CCC allows Parties to call character witnesses to testify. CCC does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

Where a Party or witness' conduct or statements demonstrate that the Party or witness is engaging in retaliatory conduct, including without limitation, witness tampering and intimidation, the decision-maker may draw an adverse inference as to that Party or witness' credibility.

#### *Communication of the Determination in Writing*

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that CCC used to evaluate the allegations;
- The decision-maker's evaluation of the Relevant evidence and determination on whether Sex-Based Harassment occurred;
- Any Disciplinary Sanctions CCC will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by CCC to the Complainant, and, to the extent appropriate, other students identified by CCC to be experiencing the effects of Sex-Based Harassment, if there is a finding that Sex-Based Harassment occurred; and
- CCC's procedures for Complainant and Respondent to appeal.

#### *Timeline of Determination Regarding Responsibility*

If there are no extenuating circumstances, the determination regarding responsibility will be issued by CCC within 10 business days of the completion of the hearing.

### *Determination of Disciplinary Sanctions After a Finding of Responsibility*

Per New York State law, past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction. However, it is not admissible prior to determination of responsibility.

In addition, the parties will have an opportunity to make an impact statement prior to the point of the proceeding where the decision-maker is deliberating on appropriate sanctions.

### *Finality of Determination*

The determination regarding responsibility becomes final either on the date that CCC provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

### *Disclosures of Outcome by the Parties*

The Complainant and Respondent have the right to choose whether to disclose or discuss the outcome of a conduct process related to sexual assault, dating violence, domestic violence, or stalking.

The Complainant and Respondent have the right to have all information obtained during the course of the conduct process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

## **J. Appeals**

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal within 5 business days of being notified of the decision, indicating the grounds for appeal. For appeals resulting from dismissal of a complaint, please see the section on Dismissal of Complaints.

### *Grounds for Appeal*

The limited grounds for appeal available are as follows:

- *Procedural Irregularity that would change the outcome.* To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and gave the respondent and reporting individual a reasonable opportunity to prepare and to present a rebuttal of those allegations. Deprivation of due process rights shall be considered Procedural Irregularity.
- *Unsupported Conclusion.* To determine whether the facts in the case were sufficient enough to support the decision reached by the Student Conduct Hearing Officer or decision maker.
- *Disproportionate Sanction.* To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct that the student was found to have committed.
- *New Evidence.* To consider new evidence, sufficient to alter a decision or other relevant facts not brought out at the original hearing, because such evidence and/or facts were not known or available to the person appealing at the time of the original hearing.
- *Conflict of Interest or Bias.* The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the reporting individuals or respondents generally or the individual reporting individual or respondent that affected the outcome of the matter.

### *Additional Procedures for Appeal Process*

CCC will notify the Parties of any appeal. Both Parties will have three business days from notification of the appeal to modify their appeal or to make a statement in support of, or challenging the outcome. Both Parties will be notified of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.

The written appeal of hearing outcomes shall not be longer than 10 double spaced typed pages in length or 2500 words. When a student appeals under “New Evidence” any evidence submitted shall not be counted toward the page limitation. Further, video submissions are not considered as part of written page length and may be submitted.

Appeals should be written by the Party appealing and use ARIAL or TIMES NEW ROMAN, 12-point font, and double-spaced. Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not be extended unless there is evidence that

technical malfunction caused the appeal document not to meet these standards. Appeals will be decided by the Title IX College Appeals Committee, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

Title IX College Appeals Committee:

The Title IX College Appeals Committee will review all appeals brought forward by the respondent or reporting individual in Title IX Grievance Procedure cases. The committee:

- Shall be composed of faculty/staff and students who have been appointed by the Student Conduct Office and have been trained in accordance with the Federal Law.
- Shall be supervised in its deliberations by the student conduct officer, unless the student conduct officer has served in the capacity of student conduct body for the case under review. In such instances, the Vice President for Student Affairs or their designee shall select another administrator to supervise the proceedings of the Committee.
- Shall be trained annually on Title IX processes and decision making.

## **K. Informal Resolution**

### *Procedures for Entering and Exiting Informal Resolution Process*

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek CCC's assistance to resolve allegations of Sex-Based Harassment, and may elect to enter the informal resolution process.

The Parties may voluntarily elect to enter the CCC's informal resolution process at any time through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and CCC may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within CCC's Education Program or Activity.

### *Notice Prior to Entry Into Informal Resolution Process*

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume CCC's Grievance Procedures;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming CCC's Grievance Procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information CCC will maintain and whether and how CCC could disclose such information for use in its Grievance Procedures if they are initiated or resumed.



### *Determination to Approve Entry into Informal Resolution Process*

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or other designated official must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or other designated official may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution will be offered to the Party's at the Title IX Coordinators discretion.

At any time after the commencement of the informal resolution process, the [Title IX Coordinator or other designated official] may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, CCC will provide the outcome in writing simultaneously to the Parties. If informal resolution is approved, the Title IX Coordinator shall also provide the information of the facilitator in writing to the Parties in a reasonable timeframe once the facilitator is assigned.

#### *Role of the Facilitator*

Informal resolution processes are managed by trained facilitators. All facilitators must not be the same person as the investigator or the decision-maker(s) in CCC's Grievance Procedures. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator may serve as the facilitator, subject to these restrictions provided they did not serve as the investigator of the case.

All facilitators must have specialized training, required by law and regulation. Such training includes:

- CCC's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity;
- The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment;
- All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and CCC's response to sex discrimination;
- The rules and practices associated with CCC's informal resolution process; and
- How to serve impartially, including by avoiding conflicts of interest and bias.

#### *Contents of Informal Resolution Agreements*

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of CCC's education programs or activities or attendance at specific events, including restrictions CCC could have imposed as Remedies or Disciplinary Sanctions had CCC determined at the conclusion of the Grievance Procedures that Sex Based Harassment occurred.

### *Breach of Informal Resolution Agreements*

If a Party breaches the resolution or if CCC has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, CCC may void the agreement and initiate or resume the Grievance Procedures.

### *Confidentiality*

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the complaint are confidential while the Parties participate in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization.

Should the Parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the Grievance Procedures, provided that this information is disclosed and reviewed by the Parties under CCC's Grievance Procedures.

### *Informal Resolution Options*

CCC offers the following informal resolution procedures for addressing complaints of Sex-Based Harassment described under this Grievance Procedure:

The purpose of the informal resolution is to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the parties while maintaining the safety of the campus community.

If either party requests an informal resolution, the Title IX Coordinator will make a determination based on 1) the severity of allegations, 2) the accused conduct/Title IX history, and 3) the ability to mitigate future harm through the informal resolution process.

If the Title IX Coordinator determines the informal resolution to be appropriate and both parties agree in writing to participate, the investigation will be paused and the Title IX Coordinator will coordinate a mutually agreeable resolution. To do this, the Title IX Coordinator will meet with both parties and their advisors of choice separately to discuss reasonable and agreeable outcomes. These outcomes may be restrictive and/or educational in nature but will allow for uninterrupted enrollment at CCC. Once a resolution is determined, the Title IX Coordinator will simultaneously send the outcome letter to both parties and their advisors. This will conclude the Grievance Procedure. Either party has the right to withdraw participation from the informal resolution process at any point prior to the final determination, and the Grievance Procedure will continue. Failure to adhere to the agreed upon

resolution will re-initiate the Grievance Procedure and may result in conduct charges being filed. If a resolution is not obtained, the Grievance Procedure will continue at that point.

## **XII. Transcript Notations**

For crimes of violence, including, without limitation, sexual violence, defined as crimes that meet the reporting requirements pursuant to the Clery Act (20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII)), CCC is required to make a notation on the transcript of a student found responsible for suspension or expulsion, per CCC's Transcript Notation Policy.

## **XIII. Retaliation**

When CCC has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Procedures, CCC is obligated to initiate its Grievance Procedures or, as appropriate, CCC's informal resolution process.

CCC will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a complaint of Sex-Based Harassment or sex discrimination under CCC's Title IX Grievance Procedures, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or conduct proceeding under CCC's Title IX Grievance Procedures. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under CCC's Grievance Procedures. Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes Retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or Sex-Based Harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or complaint of Sex-Based Harassment.

Complaints alleging Retaliation may be filed according to the Institution's grievance procedures for sex discrimination.

## **XIV. Code Charges:**

**Sex-Based Harassment:** sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

A. **Quid Pro Quo Harassment.** An employee, agent or other person authorized by Corning Community College's Education Program or Activity explicitly or impliedly

conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

**B. Hostile Environment Harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Corning Community College's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) the degree to which the conduct affected the Complainant's ability to access Corning Community College's Education Program or Activity;
- (ii) the type, frequency, and duration of the conduct;
- (iii) the Parties' ages, roles within Corning Community College's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct;
- (iv) the location of the conduct and the context in which the conduct occurred;
- and
- (v) other Sex-Based Harassment in Corning Community College's Education Program or Activity;

**Sexual Assault:** as defined in the Clery Act, meaning any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;

**Dating Violence:** as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act, is any violence committed by a person:

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship;
  - (ii) The type of relationship; and
  - (iii) The frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or domestic violence laws of the State of New York, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of New York.

**Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

The college considers sexual harassment/sexual misconduct as extremely serious violations, subject to suspension and/or expulsion from the college and will result in a

transcript notation. The college may impose a suspension or expulsion following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

**Disciplinary Suspension** - A decision that removes the student from the college for a specific period of time, ranging from one day to an academic year. The terms of reinstatement will be set forth in the notice of suspension, which include meeting with the Vice President of Student Development and Enrollment Management regarding the intent to return to the campus. A record of the incident will be added to the student's conduct file. The student will be barred from college premises and college sponsored events during the suspension period, except with the express written permission of the Vice President of Student Development and Enrollment Management. Students who are suspended will not be eligible for a refund. This includes tuition and the cost of on campus housing. CCC considers sexual harassment/sexual misconduct as extremely serious violations, subject to suspension and/or expulsion from the college, and will result in a transcript notation. Students suspended for these violations will be suspended for a minimum of one calendar year and may apply for reinstatement through the Vice President of Student Development and Enrollment Management after the suspension period has ended.

**Disciplinary Expulsion** - A lengthy separation of the student from the college, to be more than one academic year in length. A record of the incident will be added to the student's conduct file. The student will be barred from college premises and college sponsored events. If the student is desirous to return to the campus after the terms of expulsion have been met, the student must meet with the Vice President of Student Development and Enrollment Management who will determine if the student could be allowed to request readmission to the college. If readmitted, the student would be placed on probation status. CCC considers sexual harassment/sexual misconduct as extremely serious violations and subject to suspension and/or expulsion from the college, and will result in a transcript notation. Students expelled for these violations will not be eligible for reinstatement to the college.

# STUDENT CODE OF CONDUCT

## SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: April 30, 2015	RBOT Resolution #4401-17 <b>Student Code of Conduct</b>
Amendment date: December 14, 2017	Author: Student Development & Enrollment Management
References: RBOT Policy Manual, Student Handbook, College website	Amends: RBOT Resolution #4229-16

### **Policy Statement**

The principles established under this Code will govern the conduct of students on the College campus and any other premises or property under the control of the College used in its teaching, administrative, service, cultural, recreation, athletic, and other programs and activities. In addition, student athletes are subject to the principles of conduct established in the Athletic Code of Conduct and residential students are subject to the principles of conduct established in the Residence Life Handbook.

The College upholds local, state, and national laws. The College will not condone unlawful conduct, and it will not protect students from their obligation to uphold the law. In addition, the College will provide no sanctuary for those who violate the law, and it will cooperate with appropriate health and law enforcement agencies. Some very specific applications of this principle are that students will be subject to discipline for the use, possession, sale, or transfer of illegal drugs, sexual abuse, hate crimes and hazing, and may also face civil prosecution for violations of this Code.

Actions for which students will be subject to College discipline include but are not limited to:

- Forgery or alteration of College documents, records or instruments of identification or use of same with intent to defraud.
- Intentional obstruction or disruption of teaching, research, administrative functions or disciplinary proceedings or other College activities, including public service functions and other authorized activities of the College.
- Abuse of any person, College premises, or at College- sponsored or College supervised events or conduct which threatens or endangers the health or safety of any such person.
- Hate crimes, also called bias crimes or bias-related crimes, involving criminal activity motivated by the perpetrator's bias or attitude against an individual or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation or disability. Penalties for these crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Students who are

perpetrators of such crimes will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

- All forms of sexual violence and misconduct, which include, but are not limited to acts of sexual harassment, sexual violence, sexual coercion, sexual assault, domestic violence, dating violence, stalking, rape criminal sexual acts, forcible touching, and sexual abuse. Where there is a preponderance of evidence indicating that such misconduct has occurred, strong disciplinary action will be pursued, including the possibility of suspension or dismissal from the College. An individual charged with sexual violence/misconduct may be subject to College disciplinary procedures, whether or not prosecution under New York State law is pending.
- Theft from or damage to College premises or theft or damage to property of a member of the College community or College premises.
- Failure to comply with directions of College staff.
- Use by any student or student organization of the College name or a claim to speak or act in the name of the College or a College-related organization without due authorization.
- Disorderly, lewd, indecent or obscene conduct or expression on campus or at a College-sponsored function.
- Hazing: Any action taken by any student or participation in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.
- Violation of published College regulations.
- Public intoxication or display of any behavior associated with the abuse of alcohol or drugs.
- Behavior that is lacking respect for the worth and/or dignity of an individual.
- Student organizations which operate on the campus or upon the property of the College used for educational purposes are prohibited from authorizing the conduct described above. Student organizations which authorize prohibited behaviors will be subject to College discipline under this Code.

### **Violations of the Student Code of Conduct**

Any member of the CCC community may file a complaint against a student for violations of the Student Code of Conduct. Complaints must be made in writing and directed to the Associate Dean of Student Services (Associate Dean), except for complaints of discrimination (including sexual harassment sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse), which should be directed to the Director of Public Safety/Title IX Coordinator. Complaints should be submitted as soon as possible after the event takes place, preferably within thirty days.

- Complaints of discrimination (including sexual harassment, sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse) will be addressed the Director of Public Safety/Title IX Coordinator under the College's Equal Employment and Educational Opportunity Complaint Procedure, available at:

[https://www.corning-cc.edu/sites/default/files/EEEEO\\_Complaint\\_Procedure\\_rev\\_Sept\\_2015.pdf](https://www.corning-cc.edu/sites/default/files/EEEEO_Complaint_Procedure_rev_Sept_2015.pdf)

- Complaints of violation of the Athletic Code of Conduct will be addressed by the Director of Athletics.
- Complaints of violation of the principles of conduct in the Residence Life Handbook will be addressed by the Director of Student Services.

- Complaints of violation of Academic Honesty will be addressed by the VP/Dean of Academic Affairs.
- Complaints concerning the misconduct of a student organization (concerning hazing and other violations) will be addressed by the President of the College.

Except for College-sponsored off campus programs and off campus incidents of sexual violence, it is the intent of the College to leave disciplinary action with respect to off campus offenses of students to civil authorities. However, there may be certain off campus offenses that by their very nature pose a serious threat or disruption to the College community. In such cases, the College reserves the right to take appropriate action.

### **Student Disciplinary Procedure**

A procedure for handling Student Code of Conduct violations (except for complaints of discrimination, including sexual harassment, sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse) has been established and is available at: <https://www.corning-cc.edu/sites/default/files/Student-Code-of-Conduct-Complaint-Procedure-Sept-2016.pdf>. This procedure guarantees students the right of due process, including the right to appeal.

#### *Sexual Violence and Other Misconduct Complaint Procedure:*

All complaints of sex discrimination, including sexual harassment, rape, and sexual assault, and sexual violence, will be processed under the College's Equal Employment and Educational Opportunity Complaint Procedure, available at:

[https://www.corning-cc.edu/sites/default/files/EEEEO\\_Complaint\\_Procedure\\_rev\\_Sept\\_2015.pdf](https://www.corning-cc.edu/sites/default/files/EEEEO_Complaint_Procedure_rev_Sept_2015.pdf)

Complaints of dating violence, domestic violence, and stalking will be processed under the procedure for handling Student Code of Conduct violations. Additional information for victims/survivors of sexual violence, dating violence, domestic violence, and stalking appears below.

### **Definition of Affirmative Consent**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.



### Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

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

### Students' Bill of Rights

In accordance with the Students' Bill of Rights (available at: [www.corning-cc.edu/sexualviolence](http://www.corning-cc.edu/sexualviolence)), reporting individuals will have the right to pursue more than one of the options outlined in the College's *Response Policy for Sexual Violence and Other Misconduct* (also available at: [www.corning-cc.edu/sexualviolence](http://www.corning-cc.edu/sexualviolence)) at the same time, or to choose not to participate in any of the options outlined in that policy.

### Transcript Notations

For crimes of violence\*, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the College Registrar will make a notation on the transcripts of students found responsible after a conduct process that they were:

- “suspended after a finding of responsibility for a code of conduct violation” or
- “suspended after a finding of responsibility for a Title IX violation” or
- “expelled after a finding of responsibility for a code of conduct violation” or
- “expelled after a finding of responsibility for a Title IX violation” or
- “withdrew with conduct charges pending” for accused students who withdraw from the College while such conduct charges are pending, and declines to complete the disciplinary process or
- “withdrew with Title IX charges pending” for accused students who withdraw from the College while such Title IX charges are pending, and declines to complete the disciplinary process.

If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

Appeals seeking removal of transcript notations for suspensions may be submitted in writing to the Vice President and Dean of Enrollment Management and Student Development, provided that such notations will not be removed prior to one year after conclusion of the suspension. Notations for expulsions will not be removed.

\*Violations equivalent to the Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I crimes for which transcript notations will be made are: murder; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson.

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## **WEATHER RELATED CANCELLATIONS AND DELAYS POLICY**

### RESOLUTION #3558-12

WHEREAS, SUNY Corning Community College places the highest priority on the safety and wellbeing of its students, faculty and staff and is committed to maintaining its published class schedule except in cases of severe weather or other emergencies, and

WHEREAS, emergency situations which include but are not limited to extreme weather, fire, and power or utility failures, can disrupt the normal business operations of the College, resulting in the closure of one or more campuses of the College, and

WHEREAS, the authority to cancel all regularly scheduled classes or close the College rests with the President or his/her designee,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College adopts the attached Weather Related Cancellations and Delays Policy.

Approved: 12/20/12

Resolution #3558-12

Available: MyCCC; Employee Tab, Human Resources: Policy Manual:

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# **FACILITIES/BUILDING and GROUNDS**

## ALCOHOL USE POLICY

Resolution #2764-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Alcohol Use Policy, as amended:

### ALCOHOL USE POLICY:

The College recognizes the reality of the serious problems associated with the use of alcoholic beverages. The use of alcohol on campus is allowed by permit only, subject to the applicable provisions of New York State law. The Student Association has voted that all student activities and socials be alcohol free. Student Association and the College continue to sponsor regular alcohol and drug awareness programs. Permits for the use of alcohol at events held on College-owned or – operated property may be obtained from the Office of Student Life, subject to final approval from the Office of the President.

BE IT FURTHER RESOLVED, that Resolution #47-85 is hereby replaced.

Approved: 02/27/08

Replaced:  
Resolution #47-85

Available: MyCCC Welcome Page: College Catalog: ALCOHOL USE POLICY

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## FACILITIES MASTER PLAN

Resolution #4035-15

WHEREAS, the State University of New York requires all community colleges to prepare a Facilities Master Plan; and,

WHEREAS, SUNY Corning Community College engaged SWBR Architects to develop its comprehensive Facilities Master Plan; and,

WHEREAS, the architects worked with College Trustees, faculty, students and administration to develop a plan intended to meet the College's needs for the next five years;

NOW, THEREFORE, BE IT RESOLVED that the Regional Board of Trustees of SUNY Corning Community College hereby approves the Facilities Master Plan and forwards the plan to the regional counties of Chemung, Schuyler and Steuben for their approval and then to the State University of New York for its approval.

### BACKGROUND NOTES

The State University of New York requires all Community Colleges to prepare a Facilities Master Plan, which will function as a guide for administrators, maintenance personnel, architects, engineers and others charged with the responsibility of developing, improving and maintaining the facilities of the College.

Through a series of interviews with Trustees, faculty, staff and students, the College's needs were identified, evaluated and prioritized. The Facilities Master Plan identifies the College's short- and long-term needs. Inclusion of projects in the Master Plan does not mandate that they be undertaken.

The plan is now complete and must be submitted first to the regional counties and then to SUNY for approval. Once the Plan has been approved, the College may undertake individual projects as dictated by necessity, as well as by financing.

Approved: 08-13-15

Resolution: #2742-08

Resolution #1857-03

Resolution #870-95

June 1989 (Reflected in minutes)

Available: MyCCC Welcome Page; Facilities Master Plan link

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## FACILITY USE POLICY

### RESOLUTION T#4909-24- Facility Use Policy

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approves the Facility Use Policy.

#### BACKGROUND NOTES

It is the policy of Corning Community College (CCC) that the facilities of the campus will be made available for use by non-college organizations as herein provided. Use of the facilities by non-college organizations will be authorized only when such use does not infringe upon, delay or conflict with college mission. The college facilities will generally not be available during periods of college closure and during periods when college resources are unavailable. The use of college facilities is subject to the schedule of fees and insurance requirements established by the college and identified in these guidelines.

As a public institution and an open access campus, it is the intent of CCC to provide facilities that meet the college's mission of providing educational, cultural, and civic opportunities. CCC's priority will be to satisfy college facility use needs and, if resources and space availability allow, will be to provide space to non- college organizations.

Approved: 04/25/2024

Rescinded:

Resolution #3417-11-Facilities Reservation Policy

Available on mycorning at <https://www.corning-cc.edu/about/facility-rentals.php>

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## NON-SMOKING POLICY

Resolution #3371-11

WHEREAS, SUNY Corning Community College is committed to providing its students, employees, and visitors with a safe and healthy environment, and

WHEREAS, in view of this commitment, SUNY Corning Community College's Smoking/Tobacco-free policy is to be a smoke/tobacco-free institution, and

WHEREAS, in the 2011 *the Power of SUNY* Report Card Chancellor Nancy Zimpher proclaimed as one of the Big Ideas "SUNY and a Healthier New York," and that under the SUNY Wellness Network, SUNY could become the largest system to become entirely tobacco free; and,

WHEREAS, no consumption of tobacco will be allowed on any College property or in any College facility, and

WHEREAS, the College will display notices of the Smoking/Tobacco-free policy at all College locations,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College state that the Smoking/Tobacco-free policy will take effect August 1, 2011.

BE IT FURTHER RESOLVED, that this Resolution rescinds Resolution #2983-09 approved April 15, 2009.

Approved: 06/29/11

Rescinded:

Resolution #206-88

Resolution #2983-09

Referenced: PECCC Contract Appendix, College Catalog: MyCCC Welcome Page: College Catalog: NON-SMOKING POLICY, p. 142

c Human Resources: Policies & Bargaining Agreements:  
Personnel Policies Handbook for Non-Union Employees



## **SUNY Corning Community College Smoking/Tobacco-Free Policy**

No consumption of tobacco will be allowed on any College property or in any College facility.

### **Introduction**

SUNY Corning Community College is committed to providing its students, employees, and visitors with a safe and healthy environment. In light of this commitment, as well as the findings of the U.S. Surgeon General that exposure to secondhand tobacco smoke and use of tobacco are significant health hazards, the Regional Board of Trustees has established CCC as a smoke/tobacco-free institution, effective August 1, 2011, via resolution #3371-11.

### **Definitions**

For the purpose of this policy, “tobacco” is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form.

### **Scope**

The use, distribution, or sale of tobacco or any smoking device (such as e-cigarettes), or the carrying of any lighted smoking instrument in College buildings or on College premises without exception, at offsite College-required learning activities, at events on College premises, or in College-owned, rented or leased vehicles, is prohibited. The College requires students, employees, and visitors to respect private property bordering all College locations by refraining from trespassing for purposes of consumption of tobacco products.

### **Enforcement**

The Department of Public Safety is charged with the enforcement of this policy. Violations by students will be treated as violations of the Student Code of Conduct. Violations by employees will be treated as disciplinary matters. Educational programming, cessation support mechanisms, and other resources have been developed and are available to the College community through the Wellness Education Center, the College Health Office, and various other College departments.

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# **FINANCIAL POLICIES**

## CASH MANAGEMENT AND INVESTMENT POLICY

Resolution #2756-08

WHEREAS, the Regional Board of Trustees of SUNY Corning Community College desire to provide the finest post-secondary education possible to the students of the College, compatible with the least cost to its sponsoring counties, students and the State of New York, and

WHEREAS, to achieve this goal all other sources of revenue must be enhanced, and

WHEREAS, interest and investment earnings offer a large potential source of revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby reaffirms the delegation of authority to make daily cash management and investment decisions within the guidelines and limitations of this policy and regulations of the State of New York to the Vice President of Administrative Services or Chief Financial Officer, and

BE IT FURTHER RESOLVED, that the priorities for investing College funds shall be (in order of priority):

1. SAFETY – Funds may only be invested in Federal or New York State government securities or in fully collateralized Certificates of Deposit offered by commercial banks authorized to do business in New York State.
2. LIQUIDITY – Funds must be available to meet payrolls, debt service and other College obligations.
3. YIELD – The highest market interest rate available is to be solicited.

THEREFORE, BE IT FURTHER RESOLVED, that this Resolution replaces Resolution #869-95 Cash Management and Investment Policy.

Approved: 02/27/08

Replaced:

Resolution #869-95

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**DESIGNATION OF UNRESTRICTED NET ASSETS FOR POST-RETIREMENT  
HEALTH INSURANCE**

Resolution #2499-06

WHEREAS, with the approval of the Regional Board of Trustees, full-time employees who attain fifty five (55) or older and have completed a minimum of 15 years of continuous full-time service with the College are eligible for post-retirement health insurance benefits, and,

WHEREAS, such retirees are eligible for individual or family health insurance coverage between the ages of 55 and 64 with the College paying a portion of the premium, and,

WHEREAS, the Governmental Accounting Standards Board has released Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions* that requires the College to begin funding its liability for post-retirement health insurance benefits, effective in fiscal year 2009, and,

WHEREAS, the Regional Board of Trustees established a designation of unrestricted net assets towards this future liability,

NOW, THEREFORE, BE IT RESOLVED, that the SUNY Corning Community College Regional Board of Trustees, hereby designated \$750,000 of unrestricted net assets for post-retirement health insurance benefits, effective August 31, 2006.

Approved: 10/04/06

Resolution #2338-06

WHEREAS, with the approval of the Regional Board of Trustees, full-time employees who attain age fifty five (55) or older and have completed a minimum of 15 years of continuous full-time service with the College are eligible for post-retirement health insurance benefits, and,

WHEREAS, such retirees are eligible for individual or family health insurance coverage between the ages of 55 and 64 with the College paying a portion of the premium, and,

WHEREAS, the Governmental Accounting Standards Board has released Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions* that requires the College to fully fund its liability for post-retirement health insurance benefits, effective in fiscal year 2009, and,

WHEREAS, the Regional Board of Trustees would like to begin designating unrestricted net assets towards this future liability,

NOW, THEREFORE, BE IT RESOLVED, that the SUNY Corning Community College Regional Board of Trustees, hereby designates \$400,276 of unrestricted net assets for post-retirement health insurance benefits.

Approved: 01/03/06

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**ENHANCEMENT, USE AND MAINTENANCE OF UNRESTRICTED,  
UNDESIGNATED NET ASSETS**

Resolution #2754-08

WHEREAS, an acceptable index of the College's fiscal well-being is the level of its unrestricted, undesignated net assets, known more commonly in the past as the “fund balance”, and,

WHEREAS, the Middle States Commission on Accreditation looks at the level of unrestricted net assets as a measure of financial strength and is considered as part of the fiscal component of the accreditation process, and,

WHEREAS, the State University of New York recommends that each community college, regardless of size, establish unrestricted net assets ranging from five percent to fifteen percent of operating expenses, further recognizing that there may be instances where it is prudent to have unrestricted net assets that either are less than or exceed this recommended range, and,

WHEREAS, the State University of New York recognizes that the operational and financial circumstances of its community colleges vary greatly, further recognizing that community colleges should maintain a level of unrestricted net assets dependant upon an evaluation of the circumstances existing at each campus,

BE IT RESOLVED, that SUNY Corning Community College hereby establishes a target rate of unrestricted, undesignated net assets equal to 15% of operations, and,

BE IT FURTHER RESOLVED, that the level of unrestricted net asset will be measured on an annual basis at the end of the fiscal year and will be based on amounts reported in the certified financial statements of the College, presented in accordance with generally accepted accounting principles for public colleges and universities as promulgated by the Governmental Accounting Standards Board (GASB), and,

BE IT FURTHER RESOLVED, that with the approval of the Regional Board of Trustees of SUNY Corning Community College, the judicious use of unrestricted net assets is anticipated in times of significant financial setbacks, such as due to unanticipated declines in enrollment, and that such use will be accompanied by a plan to reestablish net assets at 15% of operations within three fiscal years.

THEREFORE, BE IT FURTHER RESOLVED, that this Resolution replaces Resolution #1763-02 Enhancement of the Operating Fund Balance.

Approved: 02/27/08

Replaced: Resolution #1763-02

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## **INSURANCE**

Resolution #3186-10

WHEREAS, the region served by SUNY Corning Community College has the right to expect that the College will operate with maximum efficiency, accountability and integrity, and

WHEREAS, the values of efficiency, accountability and integrity are best able to thrive when there are mechanisms in place specifically promoting these values,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College adopts this policy on Insurance.

Approved: 06/30/10

## **INSURANCE POLICY**

### **Purpose**

It is the goal of the Regional Board of Trustees to maintain insurance coverage as necessary to protect the College to an optimum extent from loss of property and judgments and awards arising out of liability claims. The Board shall periodically select a broker, on the basis of competitive proposals, who shall advise it in the administration of the insurance program.

Such insurance program shall protect the College as a corporate body, its individual members, its appointed officers, and its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to any person or accidental damage to the property of any person within or outside of buildings while the above-named insured are acting in the discharge of their duties within the scope of their employment and/or under the direction of the Board. Such purchase will take into account the price of insurance, appropriate deductible and other relevant factors.

Accident insurance as deemed appropriate for students, participating in inter-collegiate, intramural, and physical education sports and activities, or while engaged in practice preparation for such games, sports, or contests will be secured as well.

### **Responsibility**

The Regional Board of Trustees designates the Vice President of Administrative Services as the purchasing agent for the purposes of securing and maintaining a satisfactory insurance program. The Vice President shall have general knowledge of the provisions of all insurance policies

carried by the College. At the time of accident or loss, he/she shall see that necessary action is taken to protect the interests of the College. Records of all insurance policies shall be kept in the offices of the Vice President of Administrative Services.

The Vice President of Administrative Services shall annually review the insurance program for the purpose of recommending to the President and the Board adjustments in coverage resulting from, but not limited to, expansion of the College's risks, relevant new laws, and superseding conditions which make changes in coverage appropriate.

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## PURCHASING AND PROCUREMENT

Resolution #4888-23

WHEREAS, the region served by SUNY Corning Community College has the right to expect that the College will operate with maximum efficiency, accountability and integrity, and

WHEREAS, the values of efficiency, accountability and integrity are best able to thrive when there are mechanisms in place specifically promoting these values,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College adopts this policy on Purchasing and Procurement.

Approved: 12/07/23

### PROCUREMENT POLICY

#### Summary:

The Colleges purchasing guidelines are created in accordance with generally established responsible purchasing practices to procure goods and/or services on the basis of lowest price and or best value under NYS General Municipal Law.

#### **I. Purpose**

This policy establishes guidelines for Corning Community College employees to identify, select, and acquire; equipment, supplies, and contracted services required for College operation as economically as possible within accepted standards of quality and service. The purpose of the purchasing function is to ensure that purchases will be made in a timely and organized manner assuring the prudent and economical use of public funds providing for ethical conduct, essential accountability of institutional expenditures, and compliance with all applicable laws and regulations.

#### **II. Policy**

Corning Community College purchasing operations shall be performed in accordance with the principles, standards of purchasing and authorization set forth by State General Municipal Law and the Regional Board of Trustees.

This policy sets forth the general guidelines to be followed and supersedes any prior policy or memorandums. Purchase Requisitions requesting commitment of College funds shall be submitted in accordance with the procedures herein established, and shall be administered by the Accounting Office under the direction of the Director of Finance/Controller.

## Administrative Law Relative to Competitive Pricing

- All purchases will be made in accordance with generally established good purchasing practices, such as use of New York State contracts, Preferred Sources, or best valuesources.
- Unless purchased through New York State Contract or New York State Preferred Sources, all purchases in excess of \$1,999 but less than \$20,000 will require that at least three (3) quotes as described under Section III Processes and Procedures.
- All purchases in excess of \$20,000 (\$35,000 for public work) require a formal sealed bid. It is required that this bid invitation be advertised in two newspapers of general circulation. (See Section III on Request for Proposals below.)
- Exceptions to quote or bid requirements, such as Professional Services or Sole Source Justification must be submitted in writing for approval by the Director of Finance/Controller

### Responsibilities of the Purchasing Function

Objective: To assist faculty and staff in securing equipment, supplies, and contracted services as needed, in such a manner as to obtain the most suitable quality under satisfactory delivery and price conditions and to assure that purchases conform to policy established by the Corning Community College.

The Director of Finance/Controller will serve as the coordinator of the buying function for the College. The Senior Account Clerk for Accounts Payable/Purchasing will coordinate the daily functions of the Accounting office and report to the Director of Finance/Controller.

### Board Policy Relative to Purchasing Authority

Except for any instances where the authority for limited purchases has been previously designated, the responsibility and authority for procurement is vested in the Finance Office under the Chief Financial Officer.

No person may make any purchase or commitment for services involving the use of College funds unless he/she is authorized to do so, and then only through established procedures. The payment of any unauthorized purchases or services performed shall be the sole responsibility of that person placing the order.

### Code of Ethics (Reference: National Association of Educational Buyers Code)

Corning Community College recognizes that there are rules of ethical conduct for public officers and employees who must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our institution. As provided in Article 18 of the New York State General Municipal Law, no official or employee of the College shall be interested financially in any contract entered into by the College. This also precludes acceptance of any gift or gratuity whether in the form of money, services, loan, travel, entertainment, or any other form, by the above persons, from any suppliers of materials or services to the College. Personal purchases for employees are prohibited.

### **III.** Process and Procedures

### **Preparation of Specifications for a Purchase Requisition**

The originator of each request will provide detailed and complete specifications and/or descriptions of each item requested. The Purchase Requisition is expected to be complete and include department coding, date, prices, justification, and approved. When received by the Accounting Office, the Senior Account Clerk under the direction of the Director of Finance/Controller will review all specifications for clarity, compliance, and accuracy.

The originator of the purchase request must be specific when writing the description of the item requested. Give the name of the item, the item description, and the manufacturer's model number or catalog number. If the item is being purchased under State Contract, the State Contract number must be included on the Purchase Requisition. The standard lead-time required between requisition and purchase order is one - two weeks.

### Purchasing Thresholds

For Purchase Requisitions \$0-\$1,999 it is expected that due diligence has taken place to ensure the best price and item quality is being purchased.

Purchase Requisitions \$2,000 - \$9,999 must have at least three verbal quotes from responsible vendors. A summary of verbal quotes submitted with requisitions, indicates that due diligence has taken place.

Purchase Requisitions \$10,000 - \$19,999 must have at least three written quotes from responsible vendors attached to the requisition. A written quote is an offer to furnish the required products and/ or services, completed by an authorized representative of the vendor.

Purchase Requisitions \$20,000 or more, \$35,000 if public works require a Request for Proposal (RFP) as required under NYS General Municipal Law (Appendix A). See Section III for RFP process and procedures.

Purchase Requisitions need the following approvals prior to submitting to the Accounting Office:

Limit s	Requirement	Appro val
\$0-\$1,999	Best Value Due Diligence	Budget Manager
\$2,000-\$9,999	Summary of Three Verbal Quotes	Budget Manager
\$10,000-\$19,999	Three Written Quotes by Vendor	Budget Manager
\$20,000 or more	Official RFP/Bid	Budget Manager/Senior Staff/Exec CFO

### Use of New York State Contracts/Preferred Sources

- State Contracts: By checking the New York State Contract Commodity listings on line at [WWW.OGS.STATE.NY.US](http://WWW.OGS.STATE.NY.US), it can be ascertained whether or not the desired item is on a State Contract, for which we are eligible to utilize for purchases.

- New York State Preferred Source: The following are New York State Preferred Sources: Corcraft, New York State Preferred Source Program For People Who Are Blind, Inc., New York State Industries for the Disabled, Inc., New York State Office of Mental Health.

Piggy Back Contract: A Piggyback or Cooperative Agreement is an agreement that has been competitively awarded and/or contains language or legal authority allowing other entities to utilize the agreement without the need to secure quotes or formally bid. This includes SUNY University-wide contracts, Federal contracts and other state subdivisions or districts, however these are limited to “apparatus, materials, equipment or supplies” or “services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies.” These contracts can only be used if let to the lowest responsible bidder or on the basis of best value; and made available for use by other governmental entities; and provided the political subdivision or district shall first adopt a local law, rule, regulation or resolution authorizing the use of best value for awarding purchase contracts.

□

In accordance with the provisions of New York State General Municipal Law, where a New York State, Preferred Source or Piggy Back contract is utilized no other competitive selection process is required.

If it is determined not to use the State Contract or Preferred Source for items exceeding \$1,999, at least three quotes must be solicited in accordance with the guidelines in the chart above.

If the purchase exceeds \$19,999 for purchases, or \$35,000 for public works, then a formal bid must be processed. Please see Request for Proposal Process Section below for further guidance.

#### Sole Source Justification

Whenever required quotes for a purchase may not be feasible due to the "sole/single source" nature of a commodity or service, the department must be able to justify and document the selection of the vendor and also establish the reasonableness of the price. This documentation must accompany the Purchase Requisition. (See Appendix B)

#### No Substitute Requests

When it is necessary to request quotations on a special brand name and model number, the statement "NO SUBSTITUTES WILL BE CONSIDERED" must be included with the specifications. Because this statement rules out all competition in almost every instance, a memorandum must accompany each “No Substitute Request” requisition. This memorandum should be from the department manager and should explain in detail why no competitive brand can be accepted.

#### Equipment/Furniture Purchases

Equipment with a value up to \$5,000, is considered Equipment under CAP. Equipment with a value of \$5,000, or more is considered Equipment over CAP, classified as a capital asset and will be capitalized. All equipment with a value of \$500 or more requires inventory control.

### **Request for Proposal (RFP)/Competitive Bids**

The request for proposal competitive bidding process insures that public funds are spent legally and that the best possible value is received. It also provides an equal opportunity to those qualified and responsible vendors who want to do business with Corning Community College to compete with each other. A standard bidding procedure assures that public funds are properly safeguarded.

The competitive bid process requires that only sealed bids be considered. First, the bid is advertised in at least two newspapers. Specifications set the date, place, and time that bids must be received by the College. The bids are opened and read aloud at the published date and time; no bids are accepted beyond that.

Generally, the lowest responsible bidder is awarded the contract unless proper justification is provided otherwise. If no bid is acceptable, the entire bidding process must be repeated. Contracts are awarded in compliance with NYS General Municipal law.

### **To submit a bid request:**

Plan in advance when submitting a request for a competitive bid. Turn-around time is 14 days for competitive bid requests. Legal notices, prepared by the Finance Department, must be submitted to the newspapers four business days in advance of the publication date. A bid must be advertised for 5 to 14 days prior to the bid opening, depending on the goods or services being solicited.

The request should be emailed to the Finance Office with a detailed specification of the goods and/or services.

Once the bid has been awarded, a Purchase Requisition form must be submitted to the Accounting Office to complete the process.

The Contract Administrator (Director of Finance/Controller), in coordination with the Chief Financial Officer, will review and recommend all contracts and agreements for approval.

### **PROCUREMENT CARDS**

Procurement cards are credit cards set up by the Director of Finance/Controller with a bank. A card may be issued based on determination and policy. It will be the responsibility of the user to submit all receipts and adhere to all policies. Misuse of the card will result in its cancellation. The College's full Procurement Card Policy and all forms can be found at <https://sites.google.com/corning-cc.edu/employee-finance>.

## EMERGENCY PURCHASES

When an unanticipated situation exists whereby the delay due to competitive pricing requirements or the delay due to the normal method of processing a request would be detrimental to the interests of the College, the following procedure will be in effect:

- The appropriate Department Manager will contact the Director of Finance/Controller to discuss the situation. If the situation is indeed an emergency a purchase order is prepared if time allows or a number will be assigned over the phone.

### Payment of Purchase Order

An approved voucher with invoice must be submitted immediately upon receipt of goods or services. Invoices must be received in the Accounting Office no later than 10 days prior to due date. No New York State Sales Tax should be included on invoice. If the vendor requires a Tax Exempt Certificate one should be supplied at the time of purchase.

The College will authorize the payment of an invoice if it is within 10% of the vendor quote. If the invoice varies from the purchase order by greater than 10%, a change notice is required. The requester will send an explanation of why the increase is necessary.

## APPENDIX A

### General Municipal Law

#### Article 5-A: Public Contracts

Section 103 of Article 5-A of the General Municipal Law is quoted below to clarify the law and procedure pertaining to purchase contracts over \$20,000.

Advertising for bids; letting of contracts; criminal conspiracies "Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this Section."

"In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such an allowance, for the purpose of determining the best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or its discretion, reject all bids and re-advertise for new bids in the manner provided by this Section."

"In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably

expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount.

"Advertisement for bids shall be published in the official newspaper or newspapers, if any, or otherwise in a newspaper or newspapers designated for such purpose. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read. Such board or agency may by resolution designate any officer or employee to open the bids at the time and place specified in the notice. Such designee shall make a record of such bids in such form and detail as the board of agency shall prescribe and present the same at the next regular or special meeting of such board or agency. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids.

**APPENDIX B**  
**Sole/Single Source Justification**

For use with all funding sources – Attach to  
Purchase Requisition

Supplier:

**TYPE OF PROCUREMENT:** (Select one)

**Sole Source:**

Only one supplier is capable of supplying the required commodity or service, Corning Community College engages one supplier based on below written justification. (Attach Sole Source letter from Supplier.)

**Single Source:**

Although two or more suppliers can provide the required commodity or service, Corning Community College selects one supplier over another based on below written justification.

**JUSTIFICATION:** (Select one)

**Only known supplier.** (List the suppliers who were contacted below and the specific reasons why each was not a viable source).

-



<input type="checkbox"/>	<p><b>Only known qualified supplier.</b> (List the qualifications that each source or items meet. If another supplier offers a similar item, <u>provide the item identification, supplier information and comparable pricing</u>).</p> <ul style="list-style-type: none"> <li>•</li> </ul>
<input type="checkbox"/>	<p><b>Supplier is proprietary or unique.</b> (The selected supplier is the only provider of this item or service. <u>List the reasons why</u> no substitute item can be used and if no similar item is available).</p> <ul style="list-style-type: none"> <li>•</li> </ul>
<input type="checkbox"/>	<p><b>Continuation of an ongoing service or addition to a critical system already procured from that supplier.</b> (<u>List the reasons why</u> it would not be cost effective and/or schedule effective and/or technical risk mitigation prudent to procure with another supplier for this procurement).</p> <ul style="list-style-type: none"> <li>•</li> </ul>

**DESCRIPTION & REASONABLENESS OF PRICE:** (Provide written explanation, technical reasoning and/or evidence of the claim)

I certify that statements checked, and information provided above, are complete and correct to the best of my knowledge. I understand that the processing of this single/sole source justification precludes the use of full and open competition.

**Department Authorization**

SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

## SINGLE/SOLE SOURCE JUSTIFICATION GUIDELINES

Budget managers are responsible for providing and certifying accurate, complete, and necessary data to support their recommendation for other than full and open competition. The justification must demonstrate that only one company can perform. The following are examples of explanations for a Sole/Single Source Justifications (SSJ):

- a) The supplies/services to be acquired are unique.
- b) Time is of the essence and only one known source can meet Corning Community Collegeneeds within the required timeframe; administrative delays do not justify urgency for SSJ.
- c) Data is unavailable for competitive procurement.
- d) It is necessary that the item being acquired be compatible and interchangeable with existing equipment.

### **\*\* IMPORTANT \*\***

- The two most often cited reasons for SSJ are uniqueness and timeframe. These are often confused and inappropriately interchanged. If a supplier is unique and if their uniqueness is adequately substantiated, a discussion of timeframe is inappropriate. If the basis for the SSJ is timeframe, a discussion of uniqueness should not be made or alluded to.
- Statements that a supplier has the best capability or offers the lowest price are not bases for an SSJ. Such determinations can only be made through full and open competitive processes.
- Rationale that the recommended source is the most highly qualified to perform but does not establish why other sources cannot perform is not acceptable.
- Incumbency does not justify an SSJ.
- Administrative delay or lack of adequate advanced planning resulting in urgency does not justify an SSJ.

### **Reasonableness of Price**

A few ways that this can be documented are listed below:

- The vendor's published price list and documented discount
- Invoices or cost sheets from prior state contracts
- Comparisons to other vendors' prices for similar products/services (RFQ)
- Comparison to similar purchases by other campuses
- Price or cost analysis
- Historical cost or price comparison

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## TRUSTEE EXPENSES

Resolution #3187-10

WHEREAS, the region served by SUNY Corning Community College has the right to expect that the College will operate with maximum efficiency, accountability and integrity, and

WHEREAS, the values of efficiency, accountability and integrity are best able to thrive when there are mechanisms in place specifically promoting these values, and,

WHEREAS, with the approval of the Chair of the Regional Board of Trustees, Trustees may incur travel and related expenses characteristic of their participation in Board activities,

NOW, THEREFORE, BE IT RESOLVED, that the members of the Regional Board of Trustees of SUNY Corning Community College shall be reimbursed at the same rates established for employees according to the regular policy for expenses involved in carrying on the business of the College, and,

BE IT FURTHER RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby adopts this policy on Trustee Expenses.

Approved: 06/30/10

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# **HEALTH SERVICES**

## **AIDS POLICY**

Resolution #2789-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the AIDS Policy, as amended.

BE IT FURTHER RESOLVED, that Resolution #204-88 is hereby rescinded.

Approved: 04/16/08

Rescinded:  
Resolution #204-88

Replaced:  
Resolution #13-86

Referenced: Human Resources:  
**HIV/AIDS AND LIFE-THREATENING ILLNESSES POLICY**

## HIV/AIDS AND LIFE-THREATENING ILLNESSES POLICY

SUNY Corning Community College recognizes the rights of its students, faculty and staff to learn and work in a safe, healthy and supportive environment and believes that HIV/AIDS should be viewed no differently than any other serious medical condition, such as heart disease or cancer. It is further recognized that individuals with AIDS or any other life-threatening illnesses may wish to continue to engage in as many normal activities as their condition permits. As long as individuals with AIDS and other life-threatening illnesses are able to meet acceptable performance and attendance standards and medical evidence indicates that their conditions and actions pose no threat to the health and safety of themselves or others, every effort should be made to treat them the same as other students and employees. At the same time, the College recognizes that it has a responsibility to provide a safe environment for all other students and employees.

When dealing with situations involving students or employees with life-threatening illnesses:

1. Remember that the individual's health and condition are personal and confidential and reasonable precautions must be taken to keep information regarding their condition confidential.
2. Contact the Human Resources Office if you believe that you or others may need information or guidance in managing situations that involve a life-threatening illness.
3. Contact the Human Resources Office if you have any concerns about the potential contagious nature of a life-threatening illness.
4. Division/Department heads should contact the Human Resources Office to determine if a statement should be obtained from the individual's attending physician that his/her continued presence at work poses no threat to the individual, coworkers or students.
5. Make a reasonable attempt to accommodate individuals with life-threatening illnesses who request an accommodation and are experiencing undue emotional stress.
6. Division/Department heads should be sensitive and responsive to faculty, staff, and student concerns, and emphasize that education is available through Human Resources or the College Health Office.
7. Be sensitive to the fact that continued employment or schooling for the individual with a life-threatening illness may sometimes be therapeutically important in the remission or recovery process, or may help prolong the individual's life.

No special consideration beyond education and/or training for employees and students who feel threatened by an individual's life-threatening illness is required. Employees and students are encouraged to seek assistance from established community support groups for medical treatment and counseling services. Information on these services is available from the Human Resources Office or the College Health Office.

If warranted, the College will make reasonable accommodations for individuals with life-threatening illnesses, consistent with the needs of the College.

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## EXPOSURE CONTROL PLAN

Resolution #570-92

WHEREAS, OSHA has mandated the Bloodborne Pathogen Standard for employers, and

WHEREAS, SUNY Corning Community College will comply with the OSHA regulation in the best interests of the College Community,

THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Exposure Control Plan as required by the OSHA Bloodborne Pathogens Standard.

Approved: 09/12/92

See Appendix D

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## **HEALTH INSURANCE PORTABILITY AND ACCESSIBILITY ACT (HIPAA)**

Resolution #2794-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Health Insurance Portability and Accessibility Act (HIPAA) Policy.

Approved: 04/16/08

Replaced:  
February 23, 2005 Revision of the Personnel Policies

Referenced: Personnel Policies

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# **HUMAN RESOURCES**

**ADOPTION OF POLICY WHICH GOVERNS CONTROLLED SUBSTANCES AND  
ALCOHOL USE AND TESTING FOR EMPLOYEES WHOSE DUTIES REQUIRE A  
COMMERCIAL DRIVERS' LICENSE**

Resolution #997-96

WHEREAS, SUNY Corning Community College wishes to comply with the Department of Transportation Regulations Part 382 which governs Controlled Substances and Alcohol Use and Testing for employees who duties require a Commercial Drivers' License,

BE IT RESOLVED, that the Regional Board of Trustees adopt the submitted policy to comply with the Department of Transportation Regulations, effective September 19, 1996.

Approved: 09/18/96

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**AGREEMENT BETWEEN SUNY CORNING COMMUNITY COLLEGE AND THE  
CCC UNIT OF THE CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC., LOCAL  
1000, AFSCME, AFL-CIO**

RESOLUTION #T4861-23

Ratification of the CSEA Agreement 2023-2026

BE IT RESOLVED, that the Regional Board of Trustees of Corning Community College hereby ratifies the Agreement CSEA,

Local 1000, AFSCME, AFL-CIO (CSEA) and Corning Community College (CCC) effective September 1, 2023 – August 31, 2026.

BACKGROUND NOTES

Available: Available: MyCCC; Employee Tab: Human Resources: Policies & Bargaining Agreements: CSEA Agreement

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**AGREEMENT BETWEEN SUNY CORNING COMMUNITY COLLEGE AND THE  
PROFESSIONAL EDUCATORS OF SUNY CORNING COMMUNITY COLLEGE**

Resolution #4828-22

**BE IT RESOLVED**, that the Regional Board of Trustees of Corning Community College hereby ratifies the Agreement between the Professional Educators of Corning Community College and Corning Community College (CCC) effective September 1, 2022 – August 31, 2025.

BE IT FURTHER RESOLVED, that Resolution #4551-18 is hereby replaced.

Approved: 10/13/2022

Replaced: Resolution #4551-18

Resolution #2825-08

Resolution #2188-05

Available: MyCCC; Employee Tab: Human Resources: Policies & Bargaining Agreements:  
PECCC Contract

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**AGREEMENT BETWEEN SUNY CORNING COMMUNITY COLLEGE AND THE  
CCC UNIT OF THE NYS LAW ENFORCEMENT OFFICERS UNION, COUNCIL 82,  
AFSCME, AFL-CIO**

RESOLUTION #4819-22

**BE IT RESOLVED**, that the Regional Board of Trustees of Corning Community College hereby ratifies the Agreement between NYS Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO (Council 82) and Corning Community College (CCC) effective September 1, 2022 – August 31, 2025

Approved: 09/01/22

Referenced: MyCCC: Human Resources: Policies & Bargaining Agreements:  
Council 82

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## ANNUAL PERFORMANCE APPRAISALS

Resolution #2159-05 Approval of the Amended SUNY Corning Community College Personnel Policies of the Regional Board of Trustees

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Personnel Policies of the Regional Board of Trustees, as amended.

Approved: 02/23/05

Rescinded:

Resolution #895-95

WHEREAS, annual performance appraisals will enhance the mission of SUNY Corning Community College and enhance employee development,

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve a policy that all full-time non-bargaining unit employees will receive annual performance appraisals, effective with the 1995-96 academic year.

Approved: 11/01/95

Referenced:

Personnel Policies, Performance Management System

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## **APPROVAL OF THE AMENDED SEARCH COMMITTEE HANDBOOK**

Resolution #2762-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Search Committee Handbook, as amended.

BE IT FURTHER RESOLVED, that Resolution #2305-05 is hereby replaced.

Approved: 02/27/08

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**SUNY Corning Community College  
Board Policy and Administrative Procedures**

Effective Date: December 13, 2007	RBOT Resolution #3954-15 <b>Blood Donation Leave Policy</b>
Issue/amendment date: January 28, 2015	Author: Human Resources Office
References: RBOT Policy Manual, College website	Rescinds: N/A

**Blood Donation Leave Policy**

Employees who work an average of twenty or more hours per week will be granted leave to donate blood, as follows:

- On-campus blood drives – paid leave without use of vacation, personal, or sick leave at least twice per calendar year during the employee’s work schedule
- Off-campus blood drives – up to three hours of unpaid leave once each calendar year during the employee’s regular work schedule.

The College reserves the right to require written documentation to verify eligibility for this paid leave.

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## **DRUG-FREE WORKPLACE ACT POLICY**

Resolution #2792-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Drug-Free Workplace Act Policy, as amended.

BE IT FURTHER RESOLVED, that Resolution #254-89 is hereby rescinded.

Approved: 04/16/08

Replaced:

February 23, 2005 Revision of the Personnel Policies

Rescinded:

Resolution #254-89

Available: MyCCC: Employee Tab: Human Resources: Policy Manual

In response to the Drug-Free Workplace Act of 1988, the Regional Board of Trustees of SUNY Corning Community College adopted the following policy, effective March 23, 1989. This policy is effective for all employees, students, and visitors of SUNY Corning Community College. The policy reads as follows:

As a condition of employment, study or contact with SUNY Corning Community College, all employees, students and visitors are prohibited from the illegal use, manufacture, possession, or distribution of all controlled substances (as defined in the Controlled Substances Act) on campus.

Any violations of this policy will result in College disciplinary action up to and including discharge or expulsion, whichever is appropriate. In addition, violations of this policy may be reported to civil authorities. Criminal convictions will be reported to federal contracting agencies as required by state and federal statutes.

Information about drug counseling and rehabilitation is available on campus from the College Health Office and the Employee Assistance Program offers assistance to employees and their dependents with chemical dependence.

Employees of SUNY Corning Community College must notify the Director of Human Resources of any convictions for drug-related offenses occurring in the workplace no later than five calendar days after such conviction.

The Drug-Free Schools and Communities Act of 1989 requires that employees, students, and visitors of SUNY Corning Community College be informed that illicit drugs and alcohol may cause addiction, severe physical and emotional illness, and death. This Act also requires that employees, students, and visitors be informed that convictions under local, state and federal laws can result in fines, prison sentences, or both. Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state statutes.

Employees who need help with drug and/or alcohol problems should contact the Director of Human Resources for assistance. Students who need help with drug and/or alcohol problems should contact the Vice President and Dean of Student Development, the College Nurse, or the Counseling Staff for assistance. All requests for assistance are confidential.

Referenced: Personnel Policies

Available: MyCCC Welcome Page: College Catalog: DRUG-FREE WORKPLACE POLICY

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## EMERITUS STATUS

### SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: August 10, 2017	RBOT Resolution #4335-17 Emeritus Status
Issue/amendment date: August 10, 2017	Author: Human Resources Office
Reference: RBOT Policy Manual, Personnel Policies Handbook for Non-Union Employees	Amends: RBOT Resolution #3521-12

Faculty and professional service employees assigned to pay grades 204 and higher who retire and have served the College for at least fifteen years in accordance with the published designation of retirement will be eligible for consideration for emeritus status one year after that employee's retirement. Any Trustee or College employee with at least three years of College service may nominate eligible employees for emeritus status.

The appropriate supervisor will initiate the evaluation process. Nominees will be evaluated on the basis of lifetime achievement at SUNY Corning Community College by a committee of peers and the immediate supervisor, each of whom will make an independent recommendation for emeritus status. All recommendations will be forwarded to the President of the College who will present his/her final recommendation for emeritus status to the Regional Board of Trustees for approval. Notification of emeritus status will be given to all who have received this designation. Retirees who are granted emeritus status will be listed in appropriate College publications. Emeriti who maintain updated addresses will receive announcements of relevant College events and will be invited to College functions

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**SUNY Corning Community College  
Board Policy and Administrative Procedures**

Effective Date: June 26, 2015	<b>Eligibility for Rehire Policy</b>
Issue/amendment date: March 16, 2023	Author: Human Resources
Reference: RBOT Resolution #4851-23	Rescinds: 4006-15

**Eligibility for Rehire Policy**

Employees who work an average of 30 or more hours per week and voluntarily resign or were part of a reduction-in-force (RIF) will be eligible for rehire on a part-time basis no sooner than twenty-six weeks following the effective date of resignation/RIF as long as they had a satisfactory work record while employed by the College, as determined by the College in its sole discretion.

Full- or part-time employees who were involuntarily terminated by the College for other than reduction-in-force reasons will not be considered for rehire.

Exceptions to this policy require advance written approval from the chief human resources officer.

*Warning! If you are reading a printed copy of this document, you may not have the current information. Please refer to the Regional Board of Trustees Policy Manual, available on the Office of the President's web page, for the latest version of this policy.*

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## **FAMILY AND MEDICAL LEAVE ACT**

Resolution #3246-10

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the Family Medical Leave Policy, as amended.

BE IT FURTHER RESOLVED, that Resolution #662-93 is hereby rescinded.

Approved: 08/18/10

Rescinded:  
Resolution #662-93

Available: Human Resources Office

Referenced: PECCC Contract, Personnel Policies

Available: MyCCC: Human Resources: Policies & Bargaining Agreements:  
Personnel Policies Handbook for Non-Union Employees, PECCC Agreement

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## LEAVE FOR NURSING MOTHERS POLICY

### SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: August 22, 2007	RBOT Resolution #3956-15 <b>Leave for Nursing Mothers Policy</b>
Issue/amendment date: January 28, 2015	Author: Human Resources Office
Reference: RBOT Policy Manual, College website	Rescinds: N/A

#### **Leave for Nursing Mothers**

According to their individual needs, nursing mothers will be provided with reasonable unpaid break time or be permitted to use their paid break/meal time each day to express breast milk for their nursing children for up to three years following childbirth. Reasonable efforts will be made to provide a private location in close proximity to the employee's work area for this purpose.

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# PAID LEAVE FOR CANCER SCREENINGS POLICY

## SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: March 12, 2020	RBOT Resolution #4652-20 <b>Paid Leave for Cancer Screenings Policy</b>
Issue/amendment date: March 12, 2020 January 28, 2015	Author: Human Resources Office
Reference: RBOT Policy Manual, College website	Rescinds: #3955-15

### **Paid Leave for Cancer Screenings Policy**

Paid Leave for Cancer Screenings Policy All employees will be granted paid leave for a sufficient period of time, not to exceed four hours annually, to undertake screenings for cancer. The College reserves the right to require written documentation from the employee's health care provider to verify eligibility for this paid leave.

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RBOT PERSONNEL POLICIES HANDBOOK FOR  
**NON-UNION EMPLOYEES**

Non Union Handbook Updates  
RESOLUTION #4818-22

**BE IT RESOLVED**, that the Regional Board of Trustees of Corning Community College hereby approves of the update to the Non-Union Personnel Handbook in the sections of: Section IV, Paid Leave and Section VI, Work Week.

**BACKGROUND NOTES**

After careful review with the senior staff and with advisement and recommendations from the Employment, Policy and Compensation Committee (EPCC) and Staff Assembly, the College puts forward the updates to the non-union Handbook.

**Section IV Paid Leave**

**Subsection C**

**Vacation Cash Out Option**

At the end of each fiscal year, an employee may cash out up to 5 days of vacation each year (effective with the fiscal year beginning 9/1/11), providing the following conditions are met:

- Estimated vacation balance as of August 31 is greater than 20 days (150 hours).
- Estimated sick leave balance as of August 31 is at least ~~80~~ 60 days (~~600~~ 450 hours).
- Only vacation days in excess of 20 may be cashed out, up to a maximum of 5 days; any remaining vacation in excess of 20 days will be converted to sick leave as of September 1 of each year.
- A completed election form is submitted to the Human Resources Office by August 15th of each year.

Vacation Cash Out payments will be made in the first pay period of September.

**Subsection D - Vacation Leave**

Vacation leave is to be taken at the convenience of the College and must be requested and approved in writing by the employee's supervisor and Associate Dean/Director, if appropriate. Vacation leave cannot be taken prior to being earned, except in exceptional and emergency circumstances with the President's written approval. Vacation leave should be used during the term of the employee's appointment.

Except in unusual circumstances and subject to the approval of the employee's ~~Senior Staff member~~ supervisor, no vacation leave may be taken during the following time periods:

- week prior to the first week of fall or spring classes
- first week of fall or spring classes

- week prior to Commencement

### **Subsection B - Personal Leave**

Regular full-time employees will be granted personal leave days at the beginning of each fiscal year based on their term of appointment. Employees with ten (10) month academic appointments and ten (10) month standard appointments are entitled to three (3-4) personal leave days per fiscal year. Employees with eleven (11) month and twelve (12) month standard agreements are entitled to four (4-5) personal leave days per fiscal year.

## **SECTION VI WORK WEEK**

### **Subsection A – Hours of Work**

The standard work hours are Monday through Thursday, 8:00 a.m. to 4:30 p.m. with one (1) hour for lunch; Friday 8:00 a.m. to 4:00 p.m. with one-half (1/2) hour for lunch. Some College departments may be open earlier and later than these standard hours, depending on the services offered.

With supervisory approval, flexible work schedules may be arranged provided:

- they add up to 37-1/2 hours per week, or that commensurate salary is agreed upon in case of a schedule that is more or less than 37-1/2 hours per week
- the department is staffed during the College's standard work hours
- such flexible schedules do not interfere with the duties of the position.

Flexible work schedules are not an inherent right of any position.

Each year, immediately following commencement through July 31 until two (2) weeks prior to Fall Start Up, the standard hours of work are Monday through Friday, 8:00 a.m. to 4:00 p.m., with one-half (1/2) hour for lunch.

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## **SALARY ADJUSTMENT POLICY**

Resolution #2791-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College will set the salaries for all employees of the College upon the recommendation of the President. Any modification of salary, other than annual across-the-board increases, must be approved by the Regional Board of Trustees.

BE IT FURTHER RESOLVED, that Resolution #769-94 is hereby rescinded.

Approved: 04/16/08

Rescinded:  
Resolution #769-94

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Non-Union Personnel Handbook Policy Update- Non-Union Classification and Compensation Structure

RESOLUTION #4771-21

**BE IT RESOLVED**, that the Regional Board of Trustees of SUNY Corning Community College hereby ratifies the following updates to the Non-Union Personnel Handbook, Section VII Compensation Structures and Pay Procedure.

**BE IT FURTHER RESOLVED**, that the Regional Board of Trustees approves all other necessary updates to the Handbook that references the newly established staff classification structure.

Subsection B and C to be replaced with the following:

Subsection B – Position Classification and Pay Structure

Classification is the procedure by which titles and position grades are assigned to positions based on the duties and responsibilities of the job. Titles, which are usually descriptive of the work being performed, are assigned salary grades by the Office of Human Resources with approval from SUNY Systems for professional grade positions or the Department of Civil Service for classified positions. Titles and grades are assigned on the basis of a review and analysis of the duties and responsibilities of the position. In addition, an analysis of the knowledge, skills and abilities required to carry out those duties and responsibilities is conducted to accurately make an assessment of title and grade.

Definitions:

**Classification** — the process or procedure by which titles, job descriptions, and position grades are assigned and/or reassigned to positions.

**Reclassification** — changing the classification of an existing position. Reclassification may involve a change of title but may or may not involve a change of salary or position grade.

**Classified Service** — those positions (titles) under the jurisdiction of the New York State Department of Civil Service and their classification rules and regulations

**Unclassified Service or Professional Grade** — those positions (titles) under the jurisdiction of the Chancellor, as defined by the State Education Law (professional staff, i.e., academic and professional employees).

Classified Service and Professional Grade Structure for Non-union Staff

The Office of Human Resources will maintain and publish an updated list of full time positions categorized within the approved grade system which includes the following:

<u>Classified/Professional</u>	<u>Grade</u>	<u>Grade Description</u>	<u>FLSA</u>
Classified Service	A	Aide	non exempt
Classified Service	B	Clerk	non exempt

Professional Service	C	Assistant	non exempt
Professional Service	D	Coordinator	exempt
Professional Service	E	Assistant Director	exempt
Professional Service	F	Director	exempt
Professional Service	G	Senior Director	exempt
Professional Service	H	Executive Director	exempt

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# **INFORMATION TECHNOLOGY**

## **ACADEMIC COMPUTING CODE OF CONDUCT**

Resolution #2243-05

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the revised version of the *Academic Computing Code of Conduct*.

Approved: 08/24/05

Replaced:  
Resolution #912-96

Available: MyCCC Welcome Page: College Catalog: ACADEMIC COMPUTING CODE OF CONDUCT

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## Academic Computing Code of Conduct

College resources are provided to authorized individuals for the purpose of learning, teaching and conducting of business related to the operation of CCC. The College will not be held responsible for unacceptable, unethical or illegal use of its information technology resources. Using computing resources in any manner that violates any federal laws, New York State penal laws, State University of New York policies or CCC policies herein may result in suspension or termination of computing privileges and/or suspension from the College. Student judicial action and prosecution to the full extent of the law will follow at the discretion of the College.

Access to computing resources is granted to CCC students for use in their academic work, with the understanding that access is a privilege and carries with it certain responsibilities.

To use computing resources, a student must obtain a computer account username and password, which provides access to resources such as e-mail and file storage. With the exception of access to *MyCCC* via the Internet, students will not have access to CCC computer networks during any semester in which they are not registered. Other exceptions will be handled on an individual basis.

Students are responsible for all activity under their individual accounts.

### *General Rules of Conduct:*

- Unless authorized, users may not have food, drink or their containers near any computer.
- Computer resources (including e-mail) should be used for academic purposes only. Users will refrain from using College computer resources for personal use, such as recreation, personal profit, transmission of unsolicited bulk e-mails, etc.
- Unnecessary printing is prohibited.
- Aside from legitimately saving or backing up data, students are to leave hardware, configurations and security measures in place on the computer, unless express permission has been granted by a lab monitor or instructor.
- All uses of computer resources violating the College harassment policy are strictly prohibited.
- Use of computing facilities must not violate others' rights to privacy and academic integrity.
- Users will refrain from displaying, printing or transmitting offensive or damaging materials. The College will not tolerate abusive or unethical use of equipment, such as harassing or threatening others.
- Students will not use the network to spread computer viruses, Trojan horses, worms or any program designed to violate security, interfere with the proper operation of any computer system or destroy others' data.
- Use of the network to duplicate copyrighted software, download movies, music or other students' work without the owner's explicit permission is strictly prohibited. When downloading and using printed materials, the source must be properly cited. Acts of piracy or violations of copyright laws are strictly prohibited.

### *File Storage:*

Files stored on College servers are subject to disk quota limitations. Directories may be accessed by the College for routine maintenance and to check system integrity. Files stored on College servers are scanned continuously for viruses and may be deleted if found to be infected. All files on student directories will be deleted at the end of each semester. Therefore students must:

- Copy their stored files to their own storage media or e-mail them to themselves to use elsewhere.
- Copy files no later than the end of each semester if they wish to keep files that are stored on College servers.

*Plagiarism:*

The act of copying text, media, programs or subroutines from any source and submitting the material as your own work constitutes plagiarism and is prohibited. See the College's Code of Student Conduct and Academic Honesty policies.

*Security and Privacy:*

Users must be aware that computer systems of public institutions may be subject to open records laws. CCC Information Technology staff and teaching faculty may routinely access student user data for legitimate academic purposes, to review course work, to diagnose and resolve technical problems, to archive old data files and to investigate possible misuse of CCC computer systems and resources.

*Violations:*

A student found to be engaging in a prohibited computer activity will be required to cease that activity immediately. All users should report any suspected unauthorized access attempts or other improper use of College computers, networks or other information processing equipment. If a user observes or receives a report of a security or abuse problem with any College computer or network facilities, the user should notify the lab monitor/instructor or help-desk personnel.

**Note: Users will be assessed for repair or replacement costs resulting from misuse.**

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## **IDENTITY THEFT PREVENTION POLICY**

Resolution #2999-09

WHEREAS, the Federal Trade Commission (FTC) and federal banking agencies issued a regulation known as the Red Flag Rule under sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003 with the intention of reducing the risk of identity theft by requiring stronger fraud prevention to protect consumers' personal data; and,

WHEREAS, the Red Flag Rule has identified a "red flag" as a pattern, practice or specific activity that indicates the possible existence of identity theft and applies to any organization that offers credit or manages accounts designed to permit multiple payments or transactions on behalf of students or family members; and

WHEREAS, the Red Flag Rule requires any organization that maintains such "covered account" to establish, document, and maintain an Identity Theft Prevention program that identifies potential red flags, detects the occurrence of red flags, and appropriately responds to red flags; and

WHEREAS, the State University of New York Board of Trustees adopted an Identity Theft Prevention policy on May 12, 2009,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College adopts the Identity Theft Prevention policy.

Approved: 05/27/09



## **IDENTITY THEFT PREVENTION POLICY**

### **Purpose**

Pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003, SUNY Corning Community College maintains an Identity Theft Prevention program designed to detect, prevent and mitigate identity theft in connection with certain covered accounts maintained by the College. This procedure was developed pursuant to policy adopted by the SUNY Board of Trustees on May 12, 2009.

Identity theft is defined as fraud committed, or attempted, using the identifying information of another person without authority. A "red flag" is a pre-determined circumstance that indicates the possible existence of such identity theft. This procedure will:

1. Identify and detect red flags for covered accounts offered or maintained by the College;
2. Respond appropriately to any red flags detected, so as to mitigate identity theft;
3. Ensure awareness of changing risks and their detection;
4. Ensure the soundness of the steps necessary to prevent identity theft.

### **Covered Accounts**

A covered account is one that the College offers or maintains, primarily for students or family members, designed to permit multiple payments or transactions. The College has identified four types of covered accounts as follows:

1. Refunds of credit balances involving PLUS loans
2. Refunds of credit balances, without PLUS loans
3. Installment plans for tuition payments
4. Emergency loans

To establish covered accounts, the following documentation is required:

1. College application with personally identifying information
2. Acceptance to the College and enrollment in classes (which also requires a High school transcript or equivalency and a Medical and Immunization history)

In general, disbursements from covered accounts:

1. Will only be mailed to an address on file.
2. Cannot be obtained in person, unless by prior consent of Administrative Services, which will require photo identification.

### **Identification of Red Flags**

The following may indicate the existence of a red flag:

1. Documents provided for identification that appear to have been altered or forged;

2. Photographs on identification that is inconsistent with the appearance of the student presenting the identification;
3. Requests made from non-College individuals;
4. Requests to mail disbursements or other pertinent information to an address that is not listed on College files;
5. Notice from students, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

### Detection of Red Flags

Red flags may be detected as follows:

1. Refund of a credit balance involving PLUS loans
  - As directed by federal regulations, these balances are required to be refunded in the parent's name. Refunds by check are mailed to their address within the time period specified. No request is required.
  - Red Flag – None as the disbursement is initiated by the College.
2. Refund of credit balance, without PLUS loans
  - Refunds by check are mailed to the student's address on file. Checks may not be picked up in person. Requests from students not currently enrolled must be made in writing.
  - Red Flag – Any request for disbursement not coming directly from a current student.
3. Installment plan tuition payments
  - Requests are made in person by presenting a picture ID and require the student's signature; or requests may be made from the student's College issued e-mail account.
  - Red Flag – None.
4. Emergency loans
  - Requests are made in person by presenting a picture ID and require the student's signature; or requests may be made from the student's College issued e-mail account. The loan check is mailed to an address on file and cannot be picked up in person.
  - Red Flag – Any request for loans not coming from a student issued e-mail account.

### Response

The response to detected red flags is primarily designed to prevent and mitigate identity theft. Unless it is determined that no response is warranted under the particular circumstances, responses to red flags will be as follows:

1. Deny access to the covered account until other information is available to eliminate the red flag;
2. Contact the student;
3. Change any passwords, security codes or other security devices that permit access to a covered account;
4. Notify law enforcement.

### Oversight of the program

Responsibility for developing, implementing and updating the Identity Theft Prevention program lies with the Vice President of Administrative Services. The Vice President is responsible for ensuring appropriate training of College staff, for reviewing any staff reports regarding the detection of red flags and for implementing the steps necessary for preventing and mitigating identity theft.

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**SUNY Corning Community College  
Board Policy and Administrative Procedures**

<b>Policy Title:</b>	Information Security Program	<b>RBOT Resolution #</b>	#4869-23
<b>Effective Date:</b>	June 8, 2023	<b>Approval Date:</b>	June 8, 2023
<b>Issue/Amendment Date:</b>		<b>Author:</b>	Information Security Committee
<b>Reference:</b>	RBOT Policy Manual	<b>Rescinds</b>	N/A

**1.0 Purpose**

**1.1** The purpose of the Information Security Program Policy is to comply with the Gramm-Leach-Bliley Act of 1999 and the New York State Information Security Breach and Notification Act of 2005.

**2.0 Policy**

**2.1** It is the policy of Corning Community College (CCC) to:

- ensure the security and confidentiality of customer records and information;
- protect against anticipated threats to the security and/or integrity of such customer records and information;
- guard against unauthorized access to or use of customer records or information that could result in substantial harm or inconvenience to any customer;
- comply with the Gramm-Leach-Bliley Act (GLBA) and the rules promulgated thereunder by the Federal Trade Commission;
- comply with the NYS Information Security Breach and Notification Act (NYSISBNA) comply with the Federal Trade Commission's ("FTC") Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003

**3.0 Procedures**

**3.1 Program Coordination.**

**3.1.1** The President appoints the Information Security Committee to coordinate college compliance with the GLBA, NYSISBNA, and the FTC Red Flag Rules.

**3.1.2** The program includes input from other departments as warranted, including college counsel.

**3.1.3** The program is reviewed and evaluated annually and adjustments to the program and procedures are made as needed.

**3.2 Committee Charge, Membership, and Responsibilities.**

**3.2.1 Committee Charge.** The Information Security Committee reports to the President and oversees compliance with the State University of New York's Information Security Policy and the institution's responsibility to ensure the confidentiality, integrity, and availability of our sensitive information. The scope of the committee oversight includes:

- to obtain and maintain compliance with the State University of New York's Information Security Policy;
  - to recommend employee outreach and training on information security awareness, policies, and procedures;
-

- to identify areas of risk and assure that appropriate safeguards in handling customer information are maintained;
- to recommend information and physical security systems, policies, and procedures; and
- to provide feedback on behalf of the campus community on information security projects and or initiatives.

**3.2.2 Membership.** The committee is co-chaired by the Chief Information Officer and Executive Director of Human Resources and consists of members from the following offices:

Academics  
Accounting/Payroll  
Admissions  
Financial Aid  
Foundation/Alumni

Health Center  
Human Resources  
Information Technology  
Institutional Research  
Marketing

Registrar  
Student Accounts  
Student Services  
Workforce Education/ACE

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At least one senior staff member serves on the committee. Committee members serve as a security awareness resource for each of their represented areas.

**3.2.3 Responsibilities.** The Information Security Committee is responsible for the annual review of security related policies and procedures. Policy proposals and revisions are brought forth from the Information Security Committee for review by Senior Staff, who in turn submit policies to the Regional Board of Trustees (RBOT) for approval. Policies and procedures reviewed by this committee include:

1. Academic Computing Code of Conduct
2. Identity Theft Prevention Policy
3. Acceptable Use Policy
4. Social Networking Policy
5. Information Security Program Policy
6. PCI Policy
7. Account Life Cycle Procedure
8. Printing Policy and Procedure

### 3.3 Risk Assessment.

**3.3.1 Offices Possessing/Safeguarding Customer Information.** The following have been identified as among the relevant offices or areas to be considered when assessing the risks to customer information: Academics, Accounting/Payroll, Admissions, Financial Aid, Foundation/Alumni, Health Center, Human Resources, Information Technology, Institutional Research, Marketing, Records Retention/Storage Registrar, Student Accounts, Student Services, Workforce Education/ACE.

### 3.4 Employee Hiring, Training and Access.

**3.4.1 Hiring Full-time and Part-time Employees.** The college exercises great care in trying to select well-qualified employees. Hiring supervisors and search committees review applications/resumes, carry out interviews and check references before making their final selection. The Executive Director of Human Resources acting as affirmative action officer also reviews the resumes and signs off on the search procedure providing an additional review of the process and the hire. Background checks are performed on all employees before a job offer is finalized.

**3.4.2 Hiring Student Employees.** Student workers may be referred by the financial aid office or the diversity office. Individual offices interview students and make the final decision before a student is hired.

**3.4.3 Required Annual Training.** All employees who have access to Personal Identifying Information (PII) receive the applicable annual training on information security, Red Flags, FERPA, and the college's Acceptable Use Policy. All employees are required to complete information security training and acknowledge their review of the College's security policies and procedures.

**3.4.4 Access to Customer Information.** Only employees whose job duties require them to access customer information shall have access. Access is limited to the fields, screens, and tables that contain information required for an employee to do their job. Student-worker access is limited in a similar fashion. The Information Technology-Applications department is authorized to establish administrative student accounts at the request of each department head. The student accounts will allow Windows access to restricted programs and BANNER forms as defined by each department head. The department supervisor is responsible to ensure

appropriate student training and to notify the Applications department when a student worker leaves employment, so the account is deactivated.

**3.4.5 Disciplinary Measures for Breaches.** Employees responsible for an information security breach may face disciplinary action depending on the nature and severity of the breach. Each department is expected to follow the appropriate chain of command in dealing with breaches of security. Issues identified should be rectified as soon as possible. Where the breach is determined to be serious in nature or intentional and/or malicious these incidents should be reported to the Executive Director of Human Resources and the CIO.

### **3.5 Information Systems.**

Information systems include network and software infrastructure, and information processing, storage, transmission, retrieval, and disposal.

**3.5.1 Paper Storage System.** Access to rooms, offices, and file cabinets where paper records are kept is controlled as follows:

- doors to office areas are locked during non-business hours;
- areas where customer information is processed are locked when left unattended;
- visitors are escorted in areas where customer information is processed;
- visitors are restricted to areas that do not have customer information in plain view;
- file cabinets used to store customer information are located in locked areas, where such areas cannot be locked and are locked when left unattended;
- documents no longer needed are shredded.
- storage and work areas are protected and secured, only those employees having the need to work in these areas are given keys to those areas.

**3.5.1.1 Clean Desk Rule.** Employees must ensure that all sensitive/confidential materials are removed from their workspace and locked away when the items are not in use, or a user leaves their workstation. This includes removing all sensitive business information from desks every day, including electronic storage devices, notebooks, and printed documents.

**3.5.3 Electronic Information Systems.** The CIO, Assistant Directors of Infrastructure, Applications, and User Services provide the function of electronic information security.

Information security practices and procedures include:

- multi-factor authentication (MFA) is required to access electronic systems not available to the general public;
- employee's accessing the College's network and information systems remotely must do so through a virtual private network (VPN);
- the College follows the principle of least privilege access where a user or entity only has access to the specific data, resources and applications needed to complete a required task;
- the College utilizes Microsoft's Local Administrator Password Solution (LAPS) to manage local administrator account passwords for domain-joined computers;
- a registry of all computers attached to the college network is maintained;
- a registry of employees with access to covered data is maintained;
- physical security plans for servers and terminals are maintained;
- social security numbers are not the unique identifier used for customers; and
- access to files and programs that contain protected customer information is terminated upon employee separation from the college.

#### **3.5.4 Customer Information Disposal**

- Supervisors within each department/office are responsible for the confidential disposal of day-to-day documents. The confidential disposal of college-wide stored records is coordinated by the Records Retention Officer.

- Obsolete confidential documents are set aside for shredding in secure areas and marked confidential before being transferred to the shredding center.
- The college erases or destroys all data when disposing of computers, copiers, CDs, magnetic tapes, hard drives or any other electronic storage devices that contain customer information.
- The college disposes of obsolete customer information in accordance with applicable records retention policies.

## **4.0 Breach Notification and Reporting**

### **4.1 New York State Information Security Policy Compliance.**

CCC complies with the New York State Information Security Policy and notifies the Cyber Command Center of any cyber incident which may have a significant or severe impact on operations or security, or which involves digital forensics, to ensure proper incident response procedures, coordination and oversight.

### **4.2 Breach Notification.**

If a breach occurs, the CIO, Executive Director of Human Resources, Assistant Director of Infrastructure who serves as the Information Security Officer (ISO) should be notified immediately upon discovery. The Assistant Director Infrastructure will investigate the situation and report their findings to the CIO and the Executive Director of Human Resources who will notify the appropriate Administrators. The following factors are assessed in determining if a breach has occurred:

- indications that the information is in the physical possession and control of someone unauthorized (i.e. lost or stolen computer or paper records);
- indications that the information has been downloaded or copied; and
- indications that the information was used by an unauthorized individual (i.e. fraudulent accounts opened or instances of identity theft.)

If it is determined that a breach has occurred, the ISO, CIO or representative will:

- consult with the SUNY Security Operations Center (SOC) and/or Information Technology Exchange Center (ITEC) as applicable;
- consult with NYS ITS Cyber Command Center on any cyber incident which may have a significant or severe impact on operations or security, or which involves digital forensics, to ensure proper incident response procedures, coordination, and oversight and to determine the scope of the breach and restoration measures; and
- inform the College's Executive Directors of Finance, HR, Auxiliary Services, and the President and determine the appropriate course of action as outlined in Section 4.0 Reporting. This may include:
  - reporting any unusual or serious cyber security incidents to SUNY System Administration Chief Information Security Officer (CISO);
  - contacting the college's breach insurance carrier;
  - notifying the Cyber Command Center as appropriate; and
  - disclosing the breach to those whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

### **4.3 Breach Reporting Procedures.**

- [Cyber Incident Reporting Procedures](#)
- [Cyber Incident Reporting - Quick Reference Sheet](#)



- [Incident Notification Report Form](#)

This form must be encrypted if it contains sensitive information and is emailed to the Cyber Command Center. Note: The NYS Office 365 "tenancy" is encrypted. If you are outside of this "tenancy" you may send the Incident Notification Report to the Cyber Command Center through the New York State Secure Portal (for members only) or consider using the Cyber Command Center's PGP public key available below.

## 5.0 Definitions

**5.1 Covered data and information.** For the purposes of this policy includes student and other customer financial information required to be protected under the GLB and NYSISBNA, and FTC Red Flag Rules. Covered data and information includes both paper and electronic/magnetic records.

**5.2 Customer financial information.** Information the college has obtained from a student or other customer in the process of offering a financial product or service, or such information provided to the college by another financial institution. Offering a financial product or service includes offering student loans to students, receiving income tax information from a student's parent when offering a financial aid package and other miscellaneous financial services as defined in 12 CFR § 225.28. Examples of customer financial information include addresses, phone numbers, bank and credit card account numbers, income and credit histories and social security numbers, in both paper and electronic format. For the purpose of this policy, customer shall be defined as anyone utilizing Corning Community College technology services.

**5.3 Least Privilege Access.** An information security concept which maintains that a user or entity should only have access to the specific data, resources and applications needed to complete a required task.

**5.4 Local Administrator Password Solution (LAPS).** Microsoft's solution that provides management of local administrator account passwords for domain-joined computers. Passwords are randomized and stored in Active Directory (AD), protected by access control lists so only eligible users can read it or request its reset.

**5.5 Multi Factor Authentication (MFA).** Authentication using two or more factors to achieve authentication. Factors include: (i) something you know (e.g., password/personal identification number [PIN]); (ii) something you have (e.g., cryptographic identification device, token); or (iii) something you are (e.g., biometric).

**5.6 Personal Identifying Information (PII).** Per [FTC guidance](#), PII is defined as any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including:

1. name, Social Security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number;
2. unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
3. unique electronic identification number, address, or routing code; or
4. telecommunication identifying information or access device (as defined in 18 U.S.C. 1029(e))."

**5.7 Privileged Access Management (PAM).** provides administrators with the functionality, automation and reporting needed to manage privileged accounts. It supports the principle of least privilege access as it allows for the necessary management and oversight to mitigate the risk of accounts that have capabilities beyond the standard user.

**5.8 Virtual Private Network (VPN).** A virtual network built on top of existing physical networks that can provide a secure communications mechanism for data and IP information transmitted between networks

## 6.0 References

- 6.1 [Federal Trade Commission Red Flags Rule \(Fair Credit Reporting Act's Identity Theft Rules\)](#)
- 6.2 [FERPA \(Family Educational Rights and Privacy Act\)](#)
- 6.3 [FISMA \(Federal Information Security Management Act\)](#)
- 6.4 [Gramm-Leach-Bliley Act](#)
- 6.5 [HIPPA \(Health Insurance Portability and Accountability Act\)](#)
- 6.6 [NYS Information Security Breach and Notification Act](#)
- 6.7 [NIST Cyber Security Framework](#)
- 6.8 [SUNY Information Security Guidelines: Campus Programs & Preserving Confidentiality #6608](#)
- 6.9 [SUNY Information Security Policy # 6900](#)

SUNY Corning Community College  
Board Policy and Administrative Procedures

<b>Policy Title:</b>	<b>Print Resource Use</b>	<b>RBOT Resolution #</b>	#4870-23
<b>Effective Date:</b>	June 8, 2023	<b>Approval Date:</b>	June 8, 2023
<b>Issue/Amendment Date:</b>		<b>Author:</b>	Information Security Committee
<b>Reference:</b>	RBOT Policy Manual	<b>Rescinds</b>	N/A

**1.0 Purpose**

**1.1** The purpose of this policy is to facilitate the appropriate and acceptable use of Corning Community College’s print resources by college employees, students, and its affiliates. The college print objectives are to reduce cost, waste, print, and paper, simplify and standardize the printer fleet (both single-function and multifunction devices) and secure and optimize the print environment. This policy is intended to complement SUNY’s System-wide Print Resource Use Policy and is not intended to replace or rescind it.

**2.0 Policy**

**2.1** As Corning Community College (CCC) aspires to be the leading college in terms of efficiency, sustainability, cost, and security as it relates to office printing, it is the college’s policy to:

- Use CCC system-wide print defaults and standards.
- Limit printing to items essential for academic instruction or required to perform and complete college business.
- Achieve college sustainability goals to reduce paper, energy use, and carbon footprint.
- Deploy college-approved software to monitor usage by individual, application, department, and device.
- Centralize the campus print budget.
- Have 100% of print devices secure and on a campus network, unless approved by IT.

**3.0 Oversight**

**3.1** The Finance and Auxiliary Services departments are responsible for overseeing the college’s print practices, including equipment acquisition, creating print efficiency and optimization that complies with privacy, security, and regulatory requirements.

**4.0 Procedures**

## **4.1 Summary**

The procedures set forth guidelines to assist CCC in defining the appropriate and acceptable use of college office print resources by all its employees and authorized individuals. Specifically, it outlines steps for the campus to reduce cost, waste, print, and paper; simplify and standardize the printer fleet (both single-function and multifunction printers), and secure and optimize the print environment. These procedures do not include devices with a primary purpose other than to support the office printing environment, such as specialty printers like label, barcode, wristband, wide-format, or 3D printers.

Based on an inventory and fleet assessment of the existing print landscape, as well as an analysis of the total cost of ownership (purchase/lease cost, maintenance, supplies, paper, and physical space requirements), the college has made recommendations for a print strategy, including best practices for printing and copying, which devices should be removed or remain in service, which devices should be reallocated, and where devices should be located in relation to their users and other print device locations.

Employees and authorized users are expected to support CCC's sustainability initiative to print "smart" and print less. Doing so saves trees, reduces energy consumption, and saves water (12 oz. per sheet of paper). Reducing print volumes reduces paper consumption and waste, as well as reduces the number of printing devices which leads to decreased energy consumption. By following this procedure, CCC's carbon footprint is further decreased in accordance with SUNY's stewardship and sustainability goals.

In this document, the word "printer" and "device" are used interchangeably and are in reference to any locally attached device (local), single-function printer (SFP), multi-function device (MFD), or a combination of local, SFP, and MFD.

**4.2 Office Print Leadership Team.** The team includes representatives from Auxiliary Services, Finance, and Information Technology.

## **4.3 Responsibilities.**

- 4.3.1** Develop and communicate print strategy via a college-wide policy and procedure.
- 4.3.2** Champion and model the desired print behavior, sustainability, security, and efficiency.
- 4.3.4** Define device design guidelines, standard configurations, and defaults.
- 4.3.5** In conjunction with the Information Technology (IT) department, assess security implications and required capabilities.
- 4.3.6** Negotiate agreements for hardware, maintenance, and supply pricing.
- 4.3.7** Identify paper intensive processes for digital transformation and implement when practicable. Also, monitor compliance to the policy and procedure.
- 4.3.8** Approve exceptions. Exceptions to this policy will be extremely limited and only in situations that involve critical business needs approved by the Office Print Leadership Team, the Campus President or designee. Confidentiality or convenience are not valid reasons for the need of a local desktop printer because of the availability of private/secure print features.

## **4.4 Equipment.**

- 4.4.1 Only approved and procured devices and supplies are used and supported at CCC.
- 4.4.2 All supplies (excluding paper and staples) are included for every CCC printer.
- 4.4.3 All devices must be networked.
- 4.4.4 Local (non-networked) and personal printers are prohibited.
  - a) local CCC-owned desktop printers currently in service will be removed.
  - b) employees and authorized users may not bring in their own printers or supplies from home to use.
- 4.4.5 All decommissioned CCC printers will be reclaimed by IT and Physical Plant for reuse, recycling, or proper disposal.
- 4.4.6 No new print devices will be acquired, installed, or permitted without evaluation and prior approval by the Office Print Leadership Team.

**4.5 Device Distribution and Placement.** The distribution of print devices (including model and type) is determined based on output volumes and business requirements. Devices are distributed to ensure:

- 4.5.1 Appropriate utilization.
- 4.5.2 Business processes and workflows are supported.
- 4.5.3 Availability of secure/private printing where needed.
- 4.5.4 Availability to copy, scan, and fax functionality where needed.
- 4.5.5 Availability of color printing where justified (via exception policy).
- 4.5.6 Device security settings and standards are implemented.
- 4.5.7 Location of print device(s) is determined by the number of users, the appropriate distance of those users to the device(s), and the distance between other print devices to optimize device utilization.

**4.6 Default Configurations.** All devices are deployed with the following default configuration:

- 4.6.1 Duplex (two-sided) printing.
- 4.6.2 Mono printing.
- 4.6.3 Secured and enabled with pull-printing, which requires users to authenticate before using print, scan, copy, or fax at the device.
- 4.6.4 All multi-function printers are configured for Scan-to-Email functionality.
- 4.6.5 The manufacturer default ENERGY STAR settings for sleep and powering down are retained on all imaging equipment to maximize energy savings.
- 4.6.6 Color printing, due to its increased cost, is restricted to the most essential communications and used as an exception.

**4.7 Device Optimization.** To optimize device usage and effectively allocate devices throughout the SUNY system, target ratios for cost and the number of users per print device are:

- 4.7.1 Total Cost per printed page not to exceed \$0.01x for mono and click rates of <\$.004 for MFDs and <\$.006 for SFPs.
- 4.7.2 Total Cost per printed page not to exceed \$0.03x for color and click rates of <\$.03 for MFDs and <\$.04 for SFPs.

**4.8 Print Practices.**

- 4.8.1 Budgets for office printing are centralized.
- 4.8.2 All service, maintenance, and supplies are purchased centrally in accordance with the

print contract.

**4.8.3** Employees and authorized users shall report any malfunctioning printer by contacting the IT Helpdesk.

**4.8.4** CCC employees and authorized users shall keep the usage of print and paper to an absolute minimum by adhering to the following:

- a) Limit the publication, printing, and storage of hard copy documents.
  - 1) Supplying digital versions of course materials to students.
  - 2) Recommending that students can print course materials they feel are necessary through their student print account.
- b) Provide and retain all documents in electronic format, when permitted by law, and consistent with applicable document and records retention policies and requirements.
- c) Print only college business, only what is needed, only when necessary, and by using the lowest cost printing device and configuration available\*:
  - 3) Duplex, mono printing default settings.
  - 4) Draft, economy, or fast draft mode printing.
  - 5) Use "Shrink to Fit" or "Shrink One Page."
  - 6) Multiple slides or pages from a presentation or document on each page.
  - 7) Remove unnecessary backgrounds, shading, and graphics from print jobs.
  - 8) Avoid printing one-page documents (e.g., email and Internet web pages) unless there is a business requirement to do so.

\*Training is available by contacting the IT Helpdesk

**4.8.5** All users of print, fax, copy, and scan activity, as well as all SFPs and MFDs are monitored by CCC approved software for:

- a) Security.
- b) Appropriate usage.
- c) Supplies and maintenance.
- d) Compliance.
- e) Benchmarking and analytics to help every campus continuously improve printing habits, carbon footprint and the cost/performance of each department.

**4.9 Exceptions.** Exceptions to this procedure will be rare and only in situations that involve critical business needs or legal requirements (e.g., Federal or State regulations, Americans with Disabilities Act).

**4.9.1** Exceptions will be granted on a case-by-case basis and requires:

- a critical business need,
- a business case justification,
- authorization from senior leadership, the President or designee, or
- approval from the Office Print Leadership Team.

**4.9.2** A legal requirement exception requires:

- written confirmation from campus counsel, or
- written confirmation from campus ADA coordinator.

**4.9.3** When legal regulations or protocols require exceptions to this procedure, employees are authorized to override the default printing and document settings (e.g., single-sided printing

and copying).

## 5.0 Definitions

- 5.10 3D printers** – Also known as additive manufacturing or fabrication printing, 3D printers use a process of making three dimensional solid objects from a digital file.
- 5.11 Authorized individuals** – Any person other than University employees who are granted permission to use University print resources, including but not limited to students and consultants.
- 5.12 Campus network** – The dedicated network at each campus that the user’s workstation is connected to, either with a wire or wirelessly that enables their work to be done and print jobs to be submitted and printed.
- 5.13 Centralized Printing Budget** – The process of assimilating all costs that every department spends on print supplies, maintenance, and paper and bringing it together under one campus budget vs departments using their individual budgets to track, order, and pay for these items.
- 5.14 Critical business needs** – Documents and presentations essential to the running and operation of the college that the user believes are better suited to be printed vs shared electronically or administrative processes which, for compliance or regulatory issues, requires a printed document.
- 5.15 Device utilization** – The amount of output volume being produced on any given device. The higher the utilization, the more volume that fixed cost component can be spread over.
- 5.16 Duplex printing** – Printing on both sides of a sheet of paper.
- 5.17 Locally-attached device (local)** – A device that is connected directly or wirelessly to a workstation with only one user mapped to the device.
- 5.18 Mono** – Black and white.
- 5.19 Multi-function device (MFD)** – A print output device that performs multiple (more than one) tasks such as printing, copying, scanning, and faxing.
- 5.20 Print defaults and standards** – Pre-set properties on print devices that may include but are not limited to functions such as mono (vs color) or duplex (vs single-sided) pages. Standards include the characteristics of the devices that SUNY has determined to be most acceptable.
- 5.21 Secure print devices** – The process of requiring user authentication before the features of the output device are enabled. The user can release print jobs from any device that is on the campus network.
- 5.22 Single-function printer (SFP)** – A print output device that only performs one task, most often just printing as opposed to just scanning or just faxing.
- 5.23 Total Cost per Copy (TCC)** – The total cost of ownership (TCO), which includes the fixed cost of the hardware (either the lease, rental, or depreciation charge) combined with the cost of supplies and maintenance; divided by the monthly usage of the device (Average Monthly TCO/Monthly Usage). Sometimes paper is included in the TCO calculation.
- 5.24 Wide format printers** - A wide-format printer is any printer with a maximum paper roll width of between 18 and 100 inches.

## 6.0 References

[System-wide Print Resource Use](#)  
[Executive Order No. 4](#)  
[GreenNY: State Purchasing and Operations](#)

### SUNY Corning Community College Board Policy and Administrative Procedures

Effective Date: January 7, 2009	RBOT Resolution # 4850-23 <b>Acceptable Use Policy</b>
Issue/amendment date: March 16, 2023	Author: Information Security Committee
References: RBOT Policy Manual, Personnel Policies Handbook for Non-Union Employees	Rescinds: #2944-09; 4161-16

**The information has been reformatted so items can be easily referenced**

## 1.0 Purpose

**1.1** SUNY Corning Community College offers an extensive array of information resources to students, faculty, staff, and other members of the College community. While the College's general policies and codes of conduct apply to any and all resources of the College, this Acceptable Use Policy (the “Policy”) further defines the special rights and responsibilities that apply to the use of the College's Information Resources (“Resources”).

The Resources of the College include:

- All computers, equipment, software, networks, and related facilities; owned, managed, or maintained by the College, for the handling of data, voice,



- telephone, or related signals or information;
- The creation, processing, communication, distribution, storage, and disposal of information under the College's authority and span of control;
- All messages, data, files, programs, Internet web sites, and other material or information stored in or transmitted via the College's systems.

Resources are made available to support and enhance the academic and administrative goals of the College. All persons authorized for access to these Resources are referred to in this Policy as "Users".

Each User shares in the responsibility to access Resources appropriately and to protect such Resources from unauthorized use.

## 2.0 Policy

**2.1** It is the policy of Corning Community College (CCC) that all employees, Foundation, FSA personnel, students, contractors, affiliates, and other computer users are obligated to use these resources responsibly, professionally, ethically, and lawfully. College resources are provided to authorized individuals (i.e. students, employees, and affiliates) for the purpose of learning, teaching, and conducting business related to the operation of CCC. Using computing resources in any manner that violates any federal laws, New York State penal laws, State University of New York policies, or CCC policies and procedures is prohibited and may result in suspension or termination of computing privileges and/or suspension from the College.

**2.2 User Acknowledgement.** By logging into a College account, users agree to abide by and comply with all of the terms and conditions set forth in this Policy. It is a user's responsibility to read this Policy carefully, prior to accessing College Resources. Users are responsible for their unacceptable, unethical, or illegal use of college information technology resources.

## 3.0 Procedures

**3.1 Authentication Requirements.** CCC requires all employees, Foundation, students, contractors, affiliates, authorized guests, and other computer users to use their own unique login username and password to access computing resources. This identity verification process is to protect the individual's privacy. Individuals are responsible for maintaining their own secure password on College owned equipment and on personal devices that are used to access College files and/or data. Passwords are not to be shared with others. Upon approval of the Chief

Information Officer or their designee, guests and consultants are issued a temporary password that expires upon completion of their visit.

User IDs and passwords are the primary method used to authenticate users prior to access to College resources. To ensure security of College resources, users must adhere to the following:

1. Access resources only from secure environments;
2. Change passwords regularly and never share passwords with others;
3. Use multi-factor authentication to access all services.
4. Report any perceived unauthorized access;
5. Notify the Information Technology (IT) department if passwords have been compromised;
6. Log out of sessions before leaving any resource unattended;
7. Safeguard resources from any threats to its accuracy or integrity;
8. Protect resources from unauthorized disclosures;
9. Cooperate fully during investigations of improper use.

Users may be held responsible for authorized or unauthorized activity conducted under their College issued ID.

No person, including any member of the IT staff, is authorized to request a user's password.

**3.2 Authorized Use.** Resources may be accessed and used only for the purposes authorized by the College. These purposes are generally comprised of work, professional development, study, research, service, or student activities consistent with the College's mission and goals. Authorized use of Resources will comply with:

- Relevant College policies, such as:
- State and federal laws and regulations, such as: SUNY Cyber Incident Reporting Policy
- Third-party licensing agreements;
- Intellectual-property rights, including copyrights

The College acknowledges that limited personal use of its Resources is compatible with a higher educational environment, but only where such personal use acts to foster support of the College's broader goals. Personal use will be incidental, at most, and may not cause the College to incur additional costs. In general, use must be appropriate and in compliance with College policies; not violate the law, licensing agreements or intellectual property rights; and not interfere with any individual's responsibilities.

**3.3 Acceptable Use.** Acceptable use standards require the following of each user:

1. To learn how to use College Resources effectively and responsibly;
2. To accept responsibility for backup and security of your own work;
3. To abide by all security provisions;
4. To understand and respect software copyright laws;
5. To identify yourself clearly and accurately in electronic communication;
6. To respect the rights of others to have freedom from harassment or intimidation;
7. To recognize limitations to privacy in electronic communications.

**3.4 Unacceptable Uses.** Examples of unacceptable uses include, but are not limited to, the following:

1. Obtain Resources beyond their authorization; Hack, tamper or attempt to gain unauthorized access to confidential information, obtain resources beyond their authorization;
2. Use Resources in a malicious or harmful manner;
3. Use Resources to threaten or harass any person or to create a hostile place to work or study;
4. Intentionally degrade performance or deprive other Users of access to resources;
5. Install software without the consent of IT;
6. Extend the network by introducing a hub, switch, router, firewall, wireless access point, server, or any other service or device without obtaining prior approval from IT;
7. Send unauthorized e-mail;
8. Use another User's account without permission;
9. Give or publish a password, identifying code, personal identification number, or other confidential information of another User.
10. Attempt to corrupt or sabotage security systems or data protection schemes;
11. Engage in copyright infringement or other unauthorized downloading, copying and/or distribution of copyrighted material;
12. Engage in any illegal commerce or any illegal activity of any kind;
13. Use resources for personal gain, for the benefit of a third party, or for activities that are inconsistent with the College's tax-exempt status (such as political campaigning);
14. Store personal identifiable information such as social security numbers and College ID numbers on device hard drive or in any cloud computing space;
15. Create and/or operate web sites on computers on the College network without obtaining prior approval from IT;
16. Attempt to destroy or sabotage the computer system or attempt to perform any act that impacts upon the proper operation of computer systems, such as intentionally spreading computer viruses;

17. Perform acts that waste computing resources or that unfairly monopolize resources to the exclusion of others such as excessive printing, sending chain letters, and sending unnecessary mass mailings.

All users of the computer system must act responsibly and maintain the integrity of the computer system. The College reserves the right to limit, restrict, revoke, suspend, or deny computing privileges and access to the computer system.

**3.5 Security.** To ensure security of resources users must adhere to the following:

**3.5.1 Electronic Communications.** All messages, data, files, programs, internet websites, and other material or information (individually and collectively referred to as “electronic communications”) stored in or transmitted via the College’s computer system are College records. Accordingly, the College reserves the right to access and disclose the content of electronic communications stored in or transmitted via its computer system:

1. as it deems appropriate for the administration and maintenance of the computer system;
2. when the College determines that such access or disclosure is necessary to investigate a possible breach of security, misuse of College resources, violation of law, or infringement of College rules;
3. when the College determines that such access and disclosure is necessary in connection with an academic, disciplinary, or administrative inquiry, or legal proceeding; or
4. for all other purposes permitted by law.

The College may routinely monitor and log usage data such as network session connection times and end-points, computer and disk utilization for each user, security audit trails, network loading, etc. Each user’s use of the computer system constitutes consent to the College’s access, disclosure, and monitoring. Users of the computer system should not have any expectation of privacy in any electronic communications stored in or transmitted via the College’s computer system. Intellectual property rights for content of electronic communications are not governed by this Acceptable Use Policy.

**3.5.2 Data Privacy.** The College reserves the right to access, monitor, remove, and disclose any use of resources, or to block access to resources, without notice to users, after:

1. obtaining approval from an authorized College administrator, or,
2. receiving a court order or other legal demand, or,
3. determining that a compelling need exists to do so.

While the College diligently safeguards its resources, it cannot guarantee the security of resources against unauthorized access or disclosure. Users, therefore, should exercise extreme caution in using electronic messaging to communicate confidential or sensitive matters, and should not assume that their electronic messaging is private or confidential.

In addition, the College is subject to public records statutes that require us to make available records we maintain—both paper and electronic—for public inspection.

**3.5.3 Remote Work.** The use of an employee’s personal computer to access work-related sites, applications, systems, and other information, is dependent on the use of appropriate security protocols. All employees must adhere to the following:

1. Under no circumstance may the employee allow college issued equipment to be used by any other person except as appropriate with their campus work obligation.
2. Use a Virtual Private Network (VPN) access to access Banner and Argos from remote locations.
3. Use multi-factor authentication to access all services.
4. Employees should log off and secure any computer being utilized to conduct official business when not in use, consistent with campus computer use policies.
5. Keep all applications and operating systems patched and updated with the latest supported releases.
6. Maintain up-to-date anti-virus software.
7. Safeguard all passwords used in connection with college files or programs and ensure sensitive information is protected.
8. Only take confidential information offsite when authorized in advance by their immediate supervisor/manager.
9. Protect and safeguard personal identifying information (PII), official records, information, files, documents, equipment, and other materials transported back and forth between the official work site and the alternate work site.
10. Avoid transferring or storing official data or information to any personal device or transferring work email to personal email addresses, text messaging, and social media services.
11. Do not share or make available any SUNY/campus information to other individuals except as appropriate and consistent with campus work obligation.
12. Comply with all established policies and procedures regarding protecting confidential and sensitive information. Securely store all hard copy documents or office media so that others cannot access it.
13. Do not communicate confidential information where others can listen.
14. Contact the Records Retention officer to properly dispose of confidential/sensitive documents requiring destruction.
15. Take appropriate action to protect the items from damage or theft. Loss or theft of equipment must immediately be reported to the remote worker’s immediate supervisor/manager.

**3.5.4 Unauthorized Access or Disclosure.** Unauthorized access to or disclosure of official information or systems must be immediately reported to the immediate supervisor/manager and the Chief Information Officer, consistent with the SUNY Cyber Incident Reporting requirements. The employee must complete any required documentation of the suspected breach.

Unauthorized access or disclosure, including the release of confidential information or personally identifiable information due to employee neglect, will be addressed through administrative actions.

## 4.0 Reporting Violations

**4.1 Reporting.** To report a violation of this policy, send an e-mail message to [helpdesk@corning-cc.edu](mailto:helpdesk@corning-cc.edu), or call the Helpdesk at (607) 962-9555.

**4.2 Violators.** The College reserves the right to limit, restrict, revoke, suspend, or deny privileges and access to College Resources as it deems in its best interests, including:

- For the efficient and effective administration and maintenance of its Resources;
- When necessary to investigate the possible breach of security, misuse of College Resources, violation of law, or infringement of College rules;
- When required in connection with an academic, disciplinary, or administrative inquiry, or legal proceeding;
- Such other times or instances as permitted by law.

In order to enforce this policy and to comply with the enforcement of federal, state and local laws, IT may monitor, inspect, and retain contents of transmissions and files of College Resources. If unauthorized use is found, IT will take immediate actions to remediate such abuse.

Violators of the Acceptable Use Policy will be subject to the College's existing student or employee disciplinary procedures. Illegal acts involving College Resources may also subject Users to prosecution by local, state, or federal authorities.

In addition to these procedures, employees are responsible for adhering to the SUNY Information Security Policy (Document 6900).

## 5.0 Training and Review

**5.1 Training.** Employees shall complete annual information security training, which includes reviewing and acknowledging the review of the College's acceptable use policy.

**5.2 Policy and Procedure Review.** The College reserves the right to change this policy and procedures at any time. The Information Security Committee reviews the policy and procedures annually. The College will post updates and will inform users of such changes through College communications.

## 6.0 Definitions

**6.1 Multi Factor Authentication (MFA).** Authentication using two or more factors to achieve authentication. Factors include: (i) something you know (e.g., password/personal identification number [PIN]); (ii) something you have (e.g., cryptographic identification device, token); or (iii) something you are (e.g., biometric).

**6.2 Personal Identifying Information (PII).** Per FTC guidance, PII is defined as any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including:

1. name, Social Security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number;
2. unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
3. unique electronic identification number, address, or routing code; or
4. telecommunication identifying information or access device (as defined in 18 U.S.C. 1029(e)).”

**6.3 Virtual Private Network (VPN).** A virtual network built on top of existing physical networks that can provide a secure communications mechanism for data and IP information transmitted between networks

## 7.0 References

7.1 SUNY Information Security Guidelines: Campus Programs & Preserving Confidentiality #6608

7.1 SUNY Information Security Policy # 6900

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## **SOCIAL NETWORKING POLICY**

### **SUNY Corning Community College Board Policy and Administrative Procedures**

Policy Title: <b>Social Networking Policy</b>	RBOT Resolution #3407-11
Issue/amendment date: October 5, 2011	Approval Date: October 5, 2011
Author: Technology/Information Steering Committee; Information Systems	
Referenced in additional documents: College Personnel Policy Handbook	

#### **Social Media Policy**

The Social Media Policy is established to utilize social mediums effectively so that the College may protect its confidential and proprietary information; respect copyright and intellectual property; safeguard its institutional voice; and, protect the professional and personal reputations of the College community.



## Introduction

Social media are powerful communications tools that have significant impact on organizations and professional reputations. Sometimes there is confusion between personal voice and institutional voice, SUNY Corning Community College has provided the above policy and following document to clarify how best to enhance and protect personal and professional reputation and to promote one voice when participating in social media.

Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples would include but not be limited to Twitter, Facebook, YouTube, and MySpace.

Both in professional and institutional roles, employees need to follow the same behavioral standards online as they would in real life. The same laws, professional expectations and guidelines for interacting with students, parents, alumni, donors, media, and other college constituents apply online as in the real world. The College and its employees are liable for anything they post to social media sites.

### **Section 1: Policies for College Related Social Media Sites, Including College Related Personal Sites**

**1.1 Protect confidential and proprietary information:** Do not post confidential or proprietary information about SUNY Corning Community College (CCC), students, employees, or alumni. Employees must still follow the applicable federal requirements such as FERPA and HIPAA, as well as National Junior College Athletic Association (NJCAA) regulations. Adhere to all applicable college privacy and confidentiality policies, including policies concerning the images of individuals. If there is ever a question concerning these requirements contact the Chief Information Officer of the College.

**1.2 Respect copyright and intellectual property:** Sharing of images, video, audio, or newspaper/journal articles is subject to copyright law. When posting content, be mindful of the copyright and intellectual property of others and of the College. For guidance and questions about use of copyrighted material, contact the Associate Dean of Learning Resources in the Library.

**1.3 Don't use CCC logos for endorsements:** Do not use the CCC logo or any other college image or iconography on **personal** social media sites. Do not use CCC's name to promote a product, cause, or political party or candidate.

**1.4 Respect college time and property:** College computers and time on the job are reserved for college related business as approved by supervisors and in accordance with the Acceptable Use Policy of the college.

## **Section 2: Institutional Social Media**

If you post on behalf of an official college unit, including official student organizations and clubs, the following policies must be adhered to in addition to all policies listed above in Section 1.

**2.1 Notify the College:** Departments or college units that have a social media page (prior to the ratification of this policy) or would like to start one should contact their supervisor and/or senior staff representative. Units that are unsure who to contact should contact the college Marketing Office at 607-962-9109. Departmental site(s) must be registered with the Associate Director of Marketing and the College Chief Information Officer (CIO) of the college. A manager of the site will be designated. Forms are available from either of these offices.

**2.2 Appropriately established:** Social media sites that represent the College or any of its departments should be established in a way that will not expose users to inappropriate advertising or links to other posts that do not reflect well on the College.

**2.2 Acknowledge who you are:** If you are representing CCC when posting on a social media platform, acknowledge this.

**2.3 Keep current:** It is the responsibility of the site manager to keep the information on social media sites up-to-date, taking into account the desired messages, audiences, and goals.

**2.4 Link back to the College:** When appropriate, link back to the CCC Website. Posts should be brief; redirecting a visitor to content that resides within the CCC Web environment. When linking to a news article about CCC, check first to see whether you can link to a release on the CCC site instead of to a publication or other media outlet.

**2.5 Protect the institutional voice:** Posts on social media sites should protect the College's institutional voice by remaining professional in tone and in good taste. No individual or CCC unit should construe its social media site as representing the College as a whole. Consider this when naming pages or accounts, selecting a profile picture or icon, and selecting content to post—names, profile images, and posts should all be clearly linked to the particular department or unit rather than to the institution as a whole.

## **Section 3: Best Practices**

This section applies to those posting on behalf of an official college unit, though the guidelines may be helpful for anyone posting on social media in any capacity.

**3.1 Think twice before posting:** Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known and how that may reflect on both a poster and the College. Search engines can turn up posts years after they are created, and comments can be forwarded or copied. If you wouldn't say it at a conference or to a member of the media, consider whether you should post it online. If you are unsure about posting something or responding to a comment, ask your supervisor for input.

**3.2 Strive for accuracy:** Get the facts accurately before posting them on social media. Review content for grammatical and spelling errors. This is especially important if posting on behalf of the College in any capacity.

**3.3 Be respectful:** Understand that content contributed to a social media site could encourage comments or discussion of opposing ideas. Responses should be considered carefully in light of how they reflect on the poster and/or the College and its institutional voice.

**3.4 Remember your audience:** Be aware that a presence in the social media world is or easily can be made available to the public at large. This includes prospective students, current students, current employees and colleagues, and peers. Consider this before publishing to ensure the post will not alienate, harm, or provoke any of these groups.

**3.5 On personal sites, identify your views as your own:** If you identify yourself as a CCC faculty or staff member online, it should be clear that the views expressed are not necessarily those of the institution.

**3.6 Photography:** Photographs posted on social media sites easily can be appropriated by visitors. Consider adding a watermark and/or posting images at a resolution that will not be easily printed. Remember that CCC policies relating to the publishing and use of College images apply to online postings as well as to print media. Contact the Marketing Office at 607-962-9109 with questions.

Original Issue date: October 5, 2011

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**INSTITUTIONAL ADVANCEMENT/  
DEVELOPMENT FOUNDATION**

# ACCEPTANCE OF NON-MONETARY GIFTS TO THE COLLEGE

## SUNY Corning Community College Administrative Procedure

<b>Issue/Amendment Date:</b> June 2014	<b>Donations of Non-Monetary Gifts</b>
<b>Author:</b> Office of Institutional Advancement	<b>Administrative Procedure #2014-04</b>

This Procedure provides a mechanism through which the College may accept non-monetary gifts.

### **Policy**

The primary goal in the acceptance of non-monetary gifts is to acquire only the material and equipment most relevant to institutional needs, which may include material and equipment that aids in direct program support, or in meeting the basic needs of students, faculty and staff. Such non-monetary gifts may be required to strengthen current programs or to broaden the scope of program offerings.

### **Principles**

These principles apply to any non-monetary gift offered to the College that has not been previously identified as a College need and/or requires dedicating College property.

- The College has the right to refuse non-monetary gifts;
- Donors may not place restrictions on non-monetary gifts;
- Donors will transfer ownership of non-monetary gifts to the College;
- The College reserves the right to use non-monetary gifts for another purpose as future needs may require;
- Donors will provide financing for any costs incurred by the College and for maintenance required in perpetuity as applicable, depending on the nature of the gift;
- Such financing may be used as the College deems fit, should the original purpose of the non-monetary gift change;
- The College may dispose of non-monetary gifts as it deems fit.

### **Requirements**

Gifts classified as real estate, construction, architectural services, engineering services, or other such services or in-kind contributions may require that notice be given to The State University of New York but will require that notice be given to the three regional county legislatures.

Gifts of real estate, personal property, equipment and other in-kind items will be assessed at fair market value. Documentation of gifts at fair market value must be provided to comply with IRS rules and guidelines and to insure accurate records and asset control. The donor will furnish the fair market value of non-cash gifts. For gifts valued at \$5,000 or higher, a written certification

by a qualified appraiser may be required in accordance with IRS regulations (Form 8283). It is the donor's responsibility to obtain the gift appraisal.

Gifts may not be contingent upon any conditions, whether by gratis advertising, monetary, or any form of financial gain to the donor.

### **Responsibilities**

The Vice President and Dean of Academic Affairs will determine the appropriate connection of the gift to the College's academic programs.

The Vice President and Dean of Student Development will determine the appropriate connection of the gift to the College's student services.

The Vice President of Administrative Services will ensure that the gift may be reasonably acquired, installed and maintained.

The Executive Director of Institutional Advancement, acting as the Executive Director of the SUNY Corning Community College Development Foundation, will record, receipt, and acknowledge all gifts to the College and will collect any information necessary to comply with IRS regulations.

The President will make a recommendation to the Board of Trustees based on the input received from Academic Affairs, Student Development, Administrative Services and Institutional Advancement.

### **Procedure**

- The department manager will obtain a letter (the "Letter") from the company or owner proposing a Non-Monetary Gift to the College. The Letter will (1) describe the Gift being donated; (2) estimate the value of the Gift; and (3) state that title is being transferred to SUNY Corning Community College without restriction. If there is any question regarding the value of the Gift, the College may request an independent appraisal. The cost of that appraisal will be paid by the owner according to IRS regulations governing charitable gifts.
- The department manager will forward a written memorandum (the "Memorandum") to the VP/Dean of Academic Affairs and/or the VP/Dean of Student Development. That Memorandum will (1) recommend whether to accept the Gift; (2) identify the value of the Gift to a specific academic program or student service; (3) establish a "useful life" in years for the remaining life of the Gift; and (4) specify any costs to acquire, install, and/or maintain the Gift. A copy of the Letter will accompany the Memorandum.
- The VP/Dean will review both Memorandum and Letter (the "Package") and will determine whether the Gift is relevant to institutional needs and will prepare a written recommendation (adding the recommendation to the Package). The Package will be submitted to Administrative Services.

- Administrative Services will review the Package and detail any costs necessary to acquire, install and maintain the Gift over the estimated useful life of the Gift (adding the estimates to the Package). The Package will be submitted to Institutional Advancement for processing.
- Institutional Advancement will determine the value of the Gift (including additional costs to acquire, install, and/or maintain the Gift):
  - If the value of the Gift is over \$5,000, Institutional Advancement will develop a Gift acceptance resolution and will forward the Package to the President for review with the Board of Trustees.
  - If the value of the Gift is under \$5,000, Institutional Advancement will forward the Package to the President for acceptance.
- Once accepted, Institutional Advancement will notify the owner of the Non-Monetary Gift, and accept that Gift on behalf of the College. Institutional Advancement will record the receipt of the Gift as a charitable donation, and thank the original owner for the Gift.
- If the useful life of the Gift is estimated to be 5 (five) years or longer, and/or the cost to maintain the Gift is estimated to exceed \$5,000 over the useful life of the Gift, the Board of Trustees may request the SUNY Corning Community College Development Foundation (the “Foundation”) to establish a maintenance fund (the “Fund”) earmarked for the maintenance of the Gift. A separate Memorandum of Understanding between the College and Foundation will be executed to establish this Fund and will follow prevailing Foundation Policy, and will be fully funded prior to the creation of the Fund and the signing of the Memorandum of Understanding.
  - The Foundation’s Endowment Policy sets the terms and conditions of such Funds.
- Once accepted, Administrative Services will record the asset in the College’s fixed asset system.

### **Disposal**

The department manager will forward a written memorandum to the VP/Dean of Academic Affairs and/or the VP/Dean of Student Development, stating the College no longer has need for the donated Non-Monetary Gift. All disposals of Gifts must comply with IRS regulations, which will be ascertained by Institutional Advancement.

Administrative Services will be responsible for the removal of the asset from the College's fixed assets and will determine how the asset will be disposed (i.e. junked, auctioned, etc.). If, through the disposal of the Gift, there is any money received, that money becomes the property of the College, not the department to whom the gift was made. There is no allowance under this procedure for the transfer or trade of the Gift.

If appropriate, the Board of Trustees will be informed of the disposal of the Gift.



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**Contract between SUNY Corning Community College and the SUNY Corning Community College Development Foundation, Inc.**

**AGREEMENT**

Resolution #3736-13

THIS AGREEMENT is made this 8 day of August, 2013, by and between SUNY Corning Community College, with its principal office located at One Academic Drive, Corning, NY 14830 (“College”), and SUNY Corning Community College Development Foundation, Inc., a New York State not-for-profit corporation (“Foundation”).

WHEREAS, the College is a New York community college and part of the State University of New York system; and

WHEREAS, the Foundation was created in 1982 to support the interests of SUNY Corning Community College, to help enable the College to maintain a measure of excellence, and to undertake development programs to enhance the College’s educational and public service mission; and

WHEREAS, the parties, as independent legal entities united in common goals, desire to define their respective roles in the solicitation of gifts and administration of assets for the benefit of the College;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. The College and Foundation agree to coordinate their respective operations in the areas of fundraising and asset management.
2. The Foundation shall reserve seats on the Foundation’s Board of Directors for the President of the College and for the Chair of the College’s Regional Board of Trustees. The Foundation shall also reserve one seat for an additional representative from the Regional Board of Trustees as designated by the Trustees from time to time.
3. The College shall regularly communicate the short-term objectives and long-term goals of its strategic plan to the Foundation Board. The Foundation shall align its short-term objectives and long-term goals with the College’s strategic plan.
4. The Foundation shall solicit, accept, and manage assets to benefit the operations and mission of the College. The College shall refer all potential donors to the Foundation, and the Foundation shall accept all donations that are consistent with the objectives and goals of the College, with the objectives and goals of the Foundation, and with the laws, policies, and practices governing the operations of the Foundation. The College may, from time to time, directly accept donations

when the parties and the donor deem such acceptance appropriate under the circumstances. The Foundation shall not accept any gift which obligates the College in any significant way without prior approval of the Regional Board of Trustees.

5. The College shall maintain an institutional advancement office to manage the College's fundraising functions. The institutional advancement office shall have a chief executive officer who reports directly to the College President. The Foundation acknowledges that said office and said chief executive officer shall have such specific titles and duties as the College determines in its sole discretion.

6. The Foundation shall appoint the chief executive officer of the College's institutional advancement office as the Foundation's executive director. The College acknowledges that when acting as the Foundation's executive director, said chief executive officer shall act under the sole direction of, and only to the extent authorized by, the Foundation Board of Directors; provided, further, that the Foundation shall not give any directives to said executive director that cause him/her to violate his/her obligations to the College. The Foundation President shall provide to the College President, upon the latter's requests from time to time, anonymized feedback from the Foundation's Board of Directors that can be used in the chief executive officer's employee evaluation.

7. The Foundation shall provide support to the institutional advancement office in accordance with the strategic plan of the Foundation. Such support shall include, but not be limited to, advice, guidance, recommendations, donations, and volunteer time.

8. The President of the College is authorized to assign College personnel, and specifically institutional advancement office personnel, to tasks or projects recommended by the Foundation, but it is acknowledged by both parties that such assignments of personnel are made under the sole direction of the College and such recommended tasks or projects are undertaken as the work of the College. No employee of the College shall be deemed an employee of the Foundation while working under the direction of the College.

9. The President of the College is also authorized, to the extent deemed appropriate in the President's sole discretion, to coordinate the schedules of College employees when such College employees are directly employed by the Foundation to engage in tasks or projects under the sole direction of the Foundation. It is acknowledged by both parties that such employment with the Foundation is under the sole direction of the Foundation and that such tasks or projects are undertaken as the work of the Foundation. No employee of the College shall be deemed an employee of the College while working under the direction of the Foundation. No employee of the Foundation shall be deemed an employee of the College while working under the direction of the Foundation. Both parties agree to implement such practices and provide such notices to accurately reflect an individual's employment status.

10. The operations of the Foundation shall be in compliance with all applicable laws. All assets received and administered shall be accounted for in accordance with generally accepted accounting principles. An annual audit of the Foundation's accounts, at the expense of the

Foundation, shall be made by an independent certified public accountant. The annual report of the Foundation shall be provided to the Regional Board of Trustees.

11. The parties shall share information about prospective and actual donors, including but not limited to students, employees, and alumni, as appropriate and to the extent permitted by law. All records received by the Foundation from the College shall be used only for fundraising and development for the benefit of the College.

12. The parties shall establish coordinated policies and practices for the transfer of funds to or for the benefit of the College, including but not limited to the administration of scholarships and the disposition of annual fund proceeds. When such policies and practices are subscribed by each party's President, such policies and practices shall be deemed addenda to this Agreement.

13. The term of this Agreement shall be perpetual. This Agreement may be terminated by either party upon ninety (90) days' prior written notice in accordance with the notice provisions of this Agreement.

14. All notices, requests, demands, and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered in person, or mailed by certified mail, postage prepaid, to the addresses set forth below, or to such other address as the party in question may specify in writing to the other from time to time:

SUNY Corning Community College SUNY Corning Community College  
Office of the President Development Foundation  
One Academic Drive President  
Corning, NY 14830 One Academic Drive  
Corning, NY 14830

15. This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter hereof and shall not be modified or amended except by written agreement of the College and the Foundation.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the day and year first above written.

Resolution #3736-13

Approved: 08/08/13

Replaced:

Resolution #2035-04

Resolution #1304-99

Referenced: Trustee Reference Manual

**MEMORANDUM OF UNDERSTANDING**

Resolution #3794-13

This Memorandum of Understanding is entered into as of the 12 day of December, 2013, by and between the **SUNY CORNING COMMUNITY COLLEGE DEVELOPMENT FOUNDATION, INC.** (“Foundation”) and **SUNY CORNING COMMUNITY COLLEGE** (“College”).

**WHEREAS**, the SUNY Corning Community College Development Foundation, Inc., and SUNY Corning Community College have a contractual agreement, dated December 12, 2013, pertaining to the relationship of the two parties; and

**WHEREAS**, the Foundation has a fiduciary responsibility to donors and the College to ensure proper stewardship of all funds held by the Foundation such that said funds ultimately benefit the College; and

**WHEREAS**, the College will, from time to time, desire to access funds held by the Foundation; and,

**WHEREAS**, the Foundation and the College desire to establish procedures for the processing of requests for funds from, and distributions to, the College;

**NOW, THEREFORE**, the parties state their understanding as follows:

1. The College recognizes that the Foundation holds assets that may be subject to a variety of restrictions, imposed by donors or by law, on use and distribution.
2. The College will make written requests to the Foundation for distributions by resolution of the Regional Board of Trustees (“RBOT”). When the RBOT acts to initiate such a request, the College will provide the Foundation with a certified resolution.
3. Requests made by the College to the Foundation will include the supporting information deemed necessary by the Foundation so that the Foundation can confirm that the intended use matches any restrictions that may apply. Supporting information provided to the Foundation will include, but not be limited to, the following:
  - a. A description of the project, including the purposes thereof;
  - b. The total cost of the project;
  - c. The amount of money requested from the Foundation;
  - d. The sources and amounts of other funds used for the project;
  - e. The timetable for the project; and

- f. The requested date for the transfer of funds from the Foundation to the College.
4. Unless the request from the College specifies other necessary time constraints, the Foundation will review the request no later than its next regularly scheduled Board meeting and will provide a written response to the College within 14 days thereafter as to the action taken by the Foundation.
5. If the request from the College meets applicable restrictions, the Foundation will approve the transfer of funds.
6. Requests for unrestricted funds will be approved to the extent that the Foundation determines that funds are available. Once the transfer of funds has been approved, such transfers will be made on or about the requested date. If funds are unavailable for transfer, the Foundation will provide the College with a timetable for such distributions. Transfers will be made solely to the extent funds are actually received and available, or will be made from other unrestricted assets, as the Foundation deems appropriate.
7. Both parties recognize that each utilizes certain protocols and is the subject of various legal requirements regarding the disbursement and expenditure of funds. The College and the Foundation will rely upon the representations made by the other. Any action by either party will not be construed as any type of confirmation that the process followed by the other meets that other party's own policy and/or legal requirements.

**IN WITNESS WHEREOF**, the parties have caused this Memorandum of Understanding to be effective as of the date written above.

Resolution #3794-13  
Approved: 12/12/13

Referenced: Trustee Reference Manual

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**NAMING OF BUILDINGS, ROOMS AND GROUNDS AT SUNY CORNING  
COMMUNITY COLLEGE**

Resolution #3166-10

WHEREAS, the Regional Board of Trustees of SUNY Corning Community College previously approved Resolution #1162-98 and Resolution #2075-04 *Policy for Naming of Buildings, Rooms and Grounds at SUNY Corning Community College*, and

WHEREAS, the External Affairs Committee has reviewed the Chancellor’s Guidelines for Naming Opportunities on Campuses of the State University of New York,

WHEREAS, the SUNY Corning Community College Development Foundation formally amends Policy #006 Gift Acceptance to increase permanent designated fund levels from \$10,000 to \$25,000,

THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the attached revision of *Guidelines for Naming Opportunities at CCC*.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Resolution #2075-04 be rescinded.

Guidelines For Naming Opportunities At CCC

Naming Existing Buildings	amount from which interest that is generated equals yearly operational costs
Naming Future Buildings	50% of construction costs
Naming Rooms and Features of Buildings	\$ 50,000 to \$100,000
The President’s Fund for Excellence (Endowment)	\$ 50,000
Naming Endowed Chairs This includes providing full support for an outstanding scholar	\$ 1,000,000

Naming Professorships Support for an outstanding faculty member	\$ 600,000
Naming Supplemental Professorial Chairs Quasi-endowment income providing support for special projects/programs or to supplement faculty salaries	\$ 300,000
Naming Scholarships To provide financial assistance for CCC students	\$ 25,000
Great Teachers Award Support for Academic Teaching and Research	\$ 100,000

Approved: 05/12/10

Replaced:  
Resolution #2075-04  
Resolution #1162-98

Referenced: Trustee Reference Manual

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# **SHARED GOVERNANCE**

## SUNY CORNING COMMUNITY COLLEGE ASSEMBLY BY-LAWS

Resolution #2173-05

WHEREAS, the SUNY Corning Community College community and the Regional Board of Trustees have both approved the constitution of the College Association, inclusive of all employees of SUNY Corning Community College, and

WHEREAS, the respective three Assemblies and Joint Council of the College Association have reviewed and approved the By-laws of each Assembly,

BE IT RESOLVED, that the Regional Board of Trustees accepts the By-laws approved by each Assembly of the College Association of SUNY Corning Community College.

Approved: 04/20/05

Referenced: MyCCC: Governance; Shared Governance:

Faculty Assembly By-Laws

Administrators Assembly By-Laws

PaSS Assembly By-Laws

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## **SUNY CORNING COMMUNITY COLLEGE ASSOCIATION CONSTITUTION**

Resolution #2043-04

WHEREAS, the College Community, by a vote of 179 to 24, has chosen to accept a new governance model that is inclusive of all employees of SUNY Corning Community College,

BE IT RESOLVED, that the Regional Board of Trustees accepts the Constitution approved by the College Community as the foundation of the College Association of SUNY Corning Community College.

Approved: 05/18/04

Referenced: MyCCC: Governance; Shared Governance: The Constitution for College Governance

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## **SUNY CORNING COMMUNITY COLLEGE JOINT COUNCIL BY-LAWS**

Resolution #2294-05

WHEREAS, the SUNY Corning Community College community and the Regional Board of Trustees have both approved the constitution of the College Association, inclusive of all employees of SUNY Corning Community College, and

WHEREAS, the Joint Council of the College Association has developed, reviewed and approved the By-Laws of the Joint Council,

BE IT RESOLVED, that the Regional Board of Trustees accepts the By-Laws of the Joint Council of the College Association of SUNY Corning Community College.

Approved: 11/16/05

Referenced: MyCCC: Governance; Shared Governance: Joint Council By-Laws:

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# **STUDENT FINANCE**

## **STUDENT TRUSTEE AWARD**

Resolution #2271-05

WHEREAS, SUNY Corning Community College has identified specific projects through the Major Gifts Campaign that require financial support, and

WHEREAS, it is the focus of the SUNY Corning Community College Development Foundation to solicit, receive, and manage assets in order to contribute to the long-range goals, objectives, and success of SUNY Corning Community College, and

WHEREAS, the SUNY Corning Community College Development Foundation recently approved the establishment of the CCC Student Trustee Award as a fund that will encourage and support Student Trustees transferring to a 4-year college from CCC,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of SUNY Corning Community College does hereby endorse the CCC Student Trustee Award.

Approved: 10/05/05

Referenced: Referenced: Trustee Reference Manual

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## TUITION AND FEE REFUND POLICY

Resolution #873-95

WHEREAS, revisions to the Student Assistance General Provisions under 34 CFR 668 issued by the Department of Education effective July 1, 1995, among other things, require changes in the refund policy for students receiving financial assistance under Title IV of the Higher Education Act, and

WHEREAS, SUNY Corning Community College participates in Federal student assistance programs under Title IV of the Higher Education Act of 1965, and needs to revise its current refund policy consistent with the revisions issued by the Department of Education,

NOW, THEREFORE, BE IT RESOLVED that SUNY Corning Community College hereby adopts the Refund Policy established by the revisions to the Student Assistance General Provisions under 34 CFR 668 issued by the Department of Education effective July 1, 1995.

Approved: 08/09/95

Replaced:  
Resolution #605-93

Referenced: College Catalog

Available: MyCCC Welcome Page: College Catalog: REFUND OF TUITION AND FEES

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## VARIABLE TUITION

Resolution #1100-97

WHEREAS, the State University of New York has amended regulations contained in section 602.10(c) of the SUNY Code, pertaining to rates established for course offerings and

WHEREAS, the amended regulations allow community colleges to provide discounted tuition rates for part-time students during off-session, off-campus or off-peak hours and

WHEREAS, the College wishes to take advantage of these amended regulations beginning with the 1997-98 fiscal year,

NOW, THEREFORE BE IT RESOLVED, that the SUNY Corning Community College Regional Board of Trustees hereby adopts a variable tuition plan to discount the approved part-time tuition rate, by up to 66%, for those courses that fit the definitions contained in section 602.10(c) of the SUNY code and for which the College deems a variable rate is appropriate.

BE IT FURTHER RESOLVED, that this resolution shall be forwarded to the State University of New York as an amendment to our 1997-98 Tuition and Fee schedule.

Approved: 07/16/97

Referenced: College Catalog

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# HISTORY

**ADOPTION OF MUTUAL FUNDS OPTION UNDER THE TAX-DEFERRED ANNUITY PROGRAM**

Resolution #2893-08

WHEREAS, the State University administers tax-deferred special annuity and custodial account supplemental retirement programs on behalf of employees of the State University and community colleges under the program of the State University, and designates the insurers and companies that provide investment vehicles under such programs, pursuant to Art. 8-C of the Education Law and Section 403(b) of the Internal Revenue Code; and

WHEREAS, the State University wishes to simplify the programs by reducing the number of insurers and companies that provide investment vehicles under the program in order to address comprehensive changes effected by final regulations promulgated by the Internal Revenue Service (72 FR, No. 143, p. 41128 et seq., July 26, 2007); and

WHEREAS, it is the intention of the State University to administer the special annuity and custodial account supplemental retirement programs as a single program under a single written plan for purposes of Section 403(b) of the Internal Revenue Code and such regulations of the Internal Revenue Service, and

WHEREAS, the Regional Board of Trustees of SUNY Corning Community College has previously authorized, via resolution, the offering of TIAA-CREF, AIG, ING, MetLife and Fidelity and 14 other financial service companies to provide SUNY approved tax deferred investment vehicles in which employees may voluntarily invest a portion of their earned income, and

WHEREAS, the State University of New York Board of Trustees recently approved a resolution approving TIAA-CREF, AIG, ING, MetLife and Fidelity to be the financial service companies authorized to provide investment vehicles under the program,

NOW, THEREFORE, BE IT RESOLVED, that effective January 1, 2009, the Regional Board of Trustees of Corning County Community College hereby authorizes the College to permit only TIAA-CREF, AIG, ING, MetLife and Fidelity to offer SUNY approved tax deferred investment vehicles to its employees and to rescind the authorization for the other 14 companies to provide tax deferred investment vehicles, and

BE IT FURTHER RESOLVED that the College grants employees currently utilizing the other previously approved financial service companies until December 31, 2008 to execute new salary reduction agreements for calendar year 2009 utilizing one or more of the following financial service companies: TIAA-CREF, AIG, ING, MetLife and Fidelity, and

BE IT FURTHER RESOLVED, that Resolution #1798-02 is hereby rescinded.

Approved: 08/13/08

Rescinds: Resolution #1798-02

## **ADOPTION OF THE STATE OF NEW YORK DEFERRED COMPENSATION PLAN**

Resolution #1686-02

WHEREAS, SUNY Corning Community College wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for the voluntary participation of all eligible employees; and

WHEREAS, SUNY Corning Community College is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and

WHEREAS, SUNY Corning Community College has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with SUNY Corning Community College by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of SUNY Corning Community College are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Approved: 03/13/02

## ANNUAL CAMPAIGN

Resolution #981-96

BE IT RESOLVED, that the Business, Finance and Facilities Committee recommends that an Annual Campaign for \$50,000 be authorized and that the funds received through this Campaign be focused on the following for support: Student Scholarships, Equipment, Faculty Development, or as otherwise designated by the donor.

Approved: 08/14/96

**APPROVAL OF CAPITAL PROJECTS**

Resolution #2274-05

WHEREAS, the Facilities Master Plan for SUNY Corning Community College calls for the renovation and renewal of various campus facilities and,

WHEREAS, it is necessary that the following critical maintenance projects, with cost estimates generated by Joy, McCoola and Zilch, architects, be undertaken at the College’s earliest opportunity:

Projects to begin in fiscal year 2006	2,636,580
Projects to begin in fiscal year 2007	3,035,610
Projects to begin in fiscal year 2008	1,982,440

Total Capital Projects	\$7,654,630
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NOW, THEREFORE, BE IT RESOLVED, that the SUNY Corning Community College Regional Board of Trustees, Sponsor of SUNY Corning Community College, hereby approves these projects in the amount of \$7,654,630 and requests \$3,827,315 from the State University of New York and agrees to provide the local share of \$3,827,315 and,

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the State University of New York for their approval of our application for funding these projects.

Approved: 10/05/05

Replaced:	Resolution #534-92
Resolution #2176-05	Resolution #455-91
Resolution #2129-04	Resolution #377-90
Resolution #2128-04	Resolution #362-90
Resolution #2127-04	Resolution #361-90
Resolution #1858-03	Resolution #272-89
Resolution #1203-98	Resolution #183-88
Resolution #1099-97	Resolution #182-88
Resolution #1083-97	Resolution #159-87
Resolution #926-96	Resolution #126-87
Resolution #918-96	Resolution #102-87
Resolution #917-96	Resolution #101-87
Resolution #886-95	Resolution #19-86
Resolution #707-94	Resolution #46-85
Resolution #676-93	No Resolution Number:
Resolution #608-93	Approved 05/02/84
Resolution #588-92	
Resolution #579-92	

## **APPROVAL OF LAND APPRAISALS AND REQUEST FOR SUNY FUNDING**

Resolution #1788-02

WHEREAS, SUNY Corning Community College purchased the current President's residence in July 1967 for the sum of \$45,186.96 and has invested significant sums in the upgrading of the property, and,

WHEREAS, the State University of New York did not participate in the original funding of the house and land, nor in any subsequent property improvements, and,

WHEREAS, the Regional Board of Trustees has approved the appraisals of the land by two certified appraisers,

NOW, THEREFORE, BE IT RESOLVED, that the SUNY Corning Community College Regional Board of Trustees, Sponsor of SUNY Corning Community College, hereby approves the appraisals, and sets the value of the land at a market price of \$165,000, and,

BE IT FURTHER RESOLVED, that the SUNY Corning Community College Regional Board of Trustees hereby requests \$82,500 from the State University of New York as its 50% share of the market value of this land, and,

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the State University of New York for their approval on our application for funding of this land.

Approved: 10/16/02

Note: Rejected by SUNY

## **CHANGE OF FISCAL YEAR FOR SMALL FUNDS**

Resolution #456-91

The College is in the process of installing a new computerized financial system. In order to take full advantage of the capabilities of this system, all of the funds must be on the same fiscal year. The Regional Board of Trustees recommends authorization of the change of the fiscal year for the Scholarship, Gift and Grant Funds, The Legislative Act Funds, and the Faculty-Student Association, Inc. to the fiscal year ending August 31.

Approved: 05/08/91

Note: Taken from Board minutes. Actual Resolution passed in this format.

## **COLLEGE COURSES FOR HIGH SCHOOL STUDENTS**

Resolution #43-85

BE IT RESOLVED, that the Board of Trustees of SUNY Corning Community College hereby approve permitting all regional high school students to enroll in college courses without charge if they do not require college credit, effective August 26, 1985.

Approved: 09/26/85



**DESIGNATION OF THE LARGE LOUNGE IN THE COMMONS as  
THE RICHARD L. KELLY LOUNGE**

Resolution #1775-02

WHEREAS, the SUNY Corning Community College Commons student lounge on the lower level was designated as the Richard Kelly Lounge in the late 1960s, and

WHEREAS, said space has since been commonly used as the student smoking lounge, and

WHEREAS, the Kelly family felt this was in conflict with the values espoused by Mr. Kelly and asked that Richard Kelly's memory be honored by designating a different space in the Commons,

BE IT THEREFORE RESOLVED, that the Regional Board of Trustees hereby approve the designation of the Large Lounge in the Commons as the Richard L. Kelly Lounge.

Approved: 10/16/02

## **DISPOSITION OF REQUEST FOR RECOGNITION BY PECCC**

Resolution #1925-03

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby denies the request by the Professional Educators of SUNY Corning Community College (PECCC) to be recognized as the exclusive bargaining agent for full-time teaching employees of SUNY Corning Community College.

Approved: 08/08/03

## **EXTENSION INTO PENNSYLVANIA**

Resolution #1839-03

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College does approve extension of the accelerated college experience program and other academic initiatives into Pennsylvania and hereby authorizes the Academic Affairs Office of the College to submit an application for approval to conduct an educational enterprise in the Commonwealth of Pennsylvania.

Approved: 02/05/03

## **ENDORSEMENT OF A MAJOR GIFTS CAMPAIGN**

Resolution #2007-04

WHEREAS, SUNY Corning Community College has identified specific projects through its Master Facilities Plan that require financial support, and

WHEREAS, it is the focus of the SUNY Corning Community College Development Foundation to solicit, receive, and manage assets in order to contribute to the long-range goals, objectives, and success of SUNY Corning Community College, and

WHEREAS, the Clements Group recently conducted a Feasibility Study on behalf of the SUNY Corning Community College Development Foundation and recommended that it immediately begin further preparations to launch a major gifts campaign with a goal of \$5 - \$7 million in cash and three- to five-year pledges.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of SUNY Corning Community College does hereby endorse activities necessary for the implementation of a Major Gifts Campaign by the SUNY Corning Community College Development Foundation.

Approved: 03/31/04

## **ENDORSEMENT OF THE ELMIRA BRANCH CAMPUS CONCEPT**

Resolution #1932-03

WHEREAS, SUNY Corning Community College has examined at length the feasibility of developing a branch campus in the City of Elmira, and

WHEREAS, the College has worked with campus and community groups, as well as contracting with architect Scott Page, Educational Facilities Programmer, an external consultant, for the completion of an enrollment feasibility study and a space needs assessment based on anticipated enrollment, and,

WHEREAS, the College's Internal Task Force has endorsed the concept of a branch campus in the City of Elmira and has developed an academic program for such campus, and,

WHEREAS, the Elmira Community External Task Force has endorsed the concept of a branch campus in the City of Elmira and pledges its continued support and participation during the next phase of planning,

BE IT THEREFORE RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College authorizes continued planning to identify an appropriate location, to develop a financing plan for such location, and establish a five-year operational plan for the branch campus for Regional Board of Trustees consideration for approval at a later date, therefore, endorses the concept of a branch campus in the City of Elmira.

Approved: 09/24/03

**ENDORSEMENT OF THE ELMIRA ACADEMIC AND WORKFORCE  
DEVELOPMENT CENTER**

Resolution #2400-06

WHEREAS, SUNY Corning Community College has examined the feasibility of developing an Academic and Workforce Development Center in Chemung County, and,

WHEREAS, the College has worked with Chemung County officials, campus and community groups, to develop an innovative model to meet public and private sector education and training needs, and,

WHEREAS, the College has served on the Chemung County Task Force on Educational & Skills Development to complete a space assessment based on anticipated enrollment and community needs, and,

WHEREAS, Chemung County officials, the Chemung County Task Force on Educational & Skills Development, and the Chemung Schuyler Steuben Workforce New York Board, Inc. has endorsed the concept of the Center and pledge its continued support and participation during the next phase of planning, and,

WHEREAS, Senator George H. Winner, Jr. and Chemung County Executive Thomas Santulli announced that the New York State Legislature has approved \$5 million in the 2006-07 state budget to cover the cost of renovating the former Lagonegro building, and,

WHEREAS, Senator George H. Winner, Jr. has secured \$500,000 through new SUNY Construction funds and Chemung County Executive Thomas Santulli has secured another \$500,000 to support the Center, and,

WHEREAS, SCT BOCES, the Chemung County Department of Social Services, the Child Care Connection, the New York State Labor Department and Chemung Schuyler Steuben Workforce New York, Inc. support renting space and providing services at the Elmira One-Stop Career Center, and,

WHEREAS, Chemung County Executive Thomas Santulli has reported the City of Elmira will donate the former Lagonegro building to the IDA who will contract with a developer to renovate the facility and donate the property to the College upon completion,

BE IT THEREFORE RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College will accept ownership and operation of the renovated property when satisfactorily completed and so found by the Board to be acceptable for our use.

Approved: 05/31/06

## **FLEXIBLE SPENDING PROGRAM**

Resolution #517-91

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the establishment of a Flexible Spending Account Program, which allows employees to pay certain expenses with pretax money according to IRS Code 125, effective January 1, 1992.

Approved: 12/11/91

Referenced: Personnel Policies

[http://inside.corning-cc.edu:81/shared/shared\\_sshumanresources/Board\\_Policy\\_Manual.pdf](http://inside.corning-cc.edu:81/shared/shared_sshumanresources/Board_Policy_Manual.pdf)

## **MARTIN LUTHER KING, JR. HOLIDAY**

Resolution (Not Numbered)

WHEREAS, the Congress of the United States has authorized making Dr. Martin Luther King Jr.'s birthday a federal holiday beginning in 1986 (the third Monday in January), and

WHEREAS, the New York State Legislature has authorized making Dr. King's birthday a State holiday beginning in 1985,

THEREFORE, BE IT RESOLVED, that the Board of Trustees of SUNY Corning Community College hereby approve the birthday of Dr. Martin Luther King, Jr. as an official College holiday, beginning in 1985, to be celebrated on the third Monday of January, and hereby approve increasing the number of official College holidays from thirteen to fourteen each year.

Approved: 11/28/84



**MEMORANDUM OF UNDERSTANDING WITH SUNY**

Resolution #1538-01

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the Memorandum of Understanding between the State University of New York and SUNY Corning Community College.

Approved: 01/31/01

## MISSION REVIEW II

Resolution #2098-04

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the Mission Review II Guidance Document, a part of SUNY's *Rethinking SUNY* efforts to ensure that the State University provides services of the highest academic quality, and is recognized as the premier comprehensive system of public higher education in the world.

Approved: 11/10/04

## **NAMING THE PLANETARIUM THEATER AFTER HARRY AND EDITH TREININ**

Resolution #1370-99

WHEREAS, Mr. Harry Treinin served in a distinguished capacity as counsel for the Regional Board of Trustees of SUNY Corning Community College, and

WHEREAS, Mr. Harry Treinin's interest in the firmament has resulted in significant contributions to the restoration of the Hale Telescope, and

WHEREAS, Mr. Harry Treinin's interest has also resulted in a significant contribution to an endowment for the newly-constructed Planetarium, and

WHEREAS, friends of Mr. Harry Treinin have significantly contributed to this endowment, and

WHEREAS, friends of Mr. and Mrs. Treinin will continue to be approached to provide funding for an endowment to be used for the purchase of new programming for the benefit of CCC students, area school children, and the community-at-large,

THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees desires to honor the significant contributions of Edith and Harry Treinin by naming the Planetarium Theater in their honor, and

BE IT FURTHER RESOLVED, that the interest from the Planetarium endowment be used exclusively towards the purchase of programs, materials and promotions needed to keep the Planetarium shows current and informative.

Approved: 11/10/99

## **PEACE OFFICER STATUS FOR PUBLIC SAFETY EMPLOYEES**

Resolution #1973-03

WHEREAS, the SUNY Corning Community College Regional Board of Trustees passed Resolution #T1405-03 (April 26, 2000) endorsing the pending proposal to enable community colleges to have peace officer status for its security force, and:

WHEREAS, Governor Pataki signed into law Bill #A02317 on October 21, 2003, authorizing the Board of Trustees of a community college or the Regional Board of Trustees of a regional community college to designate security officers as peace officers for its respective campus, and:

WHEREAS, an additional 360 hours of Peace Officer training is required within one year of an individual's appointment, and:

WHEREAS, nothing in this resolution shall be deemed to authorize such Peace Officers to carry, possess, repair, or dispose of a firearm while on SUNY Corning Community College property.

BE IT THEREFORE RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the granting of Peace Officer status to one or more members of its Department of Public Safety.

Approved: 12/17/03

## **PRESIDENT'S RESIDENCE**

Resolution #1787-02

WHEREAS, the SUNY Corning Community College Regional Board of Trustees has stated their desire to address the significant inadequacies of the current President's residence and,

WHEREAS, the Regional Board of Trustees has reviewed various alternatives to addressing these inadequacies and has selected, as the most economically sound and financially advantageous option, the demolition of the current residence and the construction of a new residence on the current property,

NOW, THEREFORE, BE IT RESOLVED, that the SUNY Corning Community College Regional Board of Trustees, Sponsor of SUNY Corning Community College, hereby approves the demolition of the current residence and the construction of a new residence, and,

BE IT FURTHER RESOLVED, that the SUNY Corning Community College Regional Board of Trustees hereby approves the expenditure of funds in the amount of \$400,000 for the construction of a new President's residence and requests \$200,000 from the State University of New York and agrees to provide the local share of \$200,000 and,

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the State University of New York for their approval of our application for funding a new residence.

Approved: 10/16/02

## **PRESIDENT'S RESIDENCE**

Resolution #1786-02

BE IT RESOLVED, that Resolution #1638-01, Sale and Construction of President's Residence is hereby rescinded.

Approved: 10/16/02

Replaced:  
Resolution #1638-01

**POLICY ALLOWING ADMINISTRATIVE AND STAFF/TECH PROMOTIONS TO BE  
EFFECTIVE ON THE EMPLOYEES' ANNIVERSARY DATE**

Resolution #2159-05 Approval of the Amended SUNY Corning Community College Personnel Policies of the Regional Board of Trustees

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Personnel Policies of the Regional Board of Trustees, as amended.

Approved: 02/23/05

Replaced:  
Resolution #1005-96

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve a policy allowing Administrative and Staff/Tech promotions to be effective on the employees' anniversary date, effective September 1, 1996.

Approved: 11/06/96

## **RATIONALE FOR OFF-CAMPUS CREDIT PROGRAMS**

Resolution #2752-08

WHEREAS, SUNY Corning Community College's mission is committed to providing equal access to educational opportunities, programs and services for all learners, and

WHEREAS, the College's Strategic Plan seeks to assess, develop, and establish the appropriate mix of programs and training; to offer opportunities, resources, and accommodations that address individual needs, and

WHEREAS, the College has added extension centers and sites to increase course offerings and convenient services to meet the needs of a diverse student population and regional employers, and

WHEREAS, the College acknowledges circumstances such as employment and family obligations, travel time and expense, and workforce training needs preclude many of the region from traveling to the main campus to satisfy their post-secondary educational needs.

BE IT THEREFORE RESOLVED, that the Regional Board of Trustees endorses offering credit activities at off-campus locations and hereby replaces Resolution #330-89.

Approved: 02/27/08

**REMOVAL OF THE DESIGNATION OF FUND BALANCE FOR EARLY  
RETIREMENT INCENTIVE PAYMENTS**

Resolution #1472-00

WHEREAS, SUNY Corning Community College offers an Early Retirement Incentive Program, which provides for a salary adjustment equal to a percentage of the employee's base pay for the last year of employment, and

WHEREAS, the Regional Board of Trustees approved resolution T1054-97 designating a portion of Fund Balance to provide for this Early Retirement Incentive Program, and

WHEREAS, it has been recommended by the College's external auditors, Deloitte and Touche, LLP, that the College would more appropriately be served by using an accrual method of accounting for the Early Retirement Incentive Program,

NOW, THEREFORE, BE IT RESOLVED, that the SUNY Corning Community College Regional Board of Trustees hereby dissolves the designation of Fund Balance for the purposes of an Early Retirement Incentive.

Approved: 07/26/00

Replaced:  
Resolution #1054-97  
Resolution #976-96



**RESCISSION OF ADOPTION OF THE NEW YORK STATE EARLY RETIREMENT  
INCENTIVE PROGRAM**

Resolution #2767-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #1749-02.

Approved: 02/27/08

Rescinded:  
Resolution #1749-02

Replaced:  
Resolution #1345-99  
Resolution #1223-98  
Resolution #1101-97  
Resolution #814-95

**RESCISSION OF AFFIRMATIVE ACTION OF THE DORMITORY AUTHORITY**

Resolution #2755-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #129-87.

Approved: 02/27/08

Rescinded:  
Resolution #129-87

## **RESCISSION OF AMENDMENT TO EARLY RETIREMENT PLAN**

Resolution #2795-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #70-87.

Approved: 04/16/08

Rescinded:

Resolution #70-87

BE IT RESOLVED, that the Board of Trustees of SUNY Corning Community College hereby approve amending the College Early Retirement Plan to define “fifteen years full-time continuous service” to “include time spent on sabbatic leaves and leaves of absence, if in the judgment of the President and the Board of Trustees the sabbatic leaves and leaves of absence were of substantial benefit to the College.” The Board of Trustees also approve amending the notification date to July 1 of the calendar year preceding the year of elected retirement.

## RESCISSION OF CONTINUING EMPLOYMENT POLICY

Resolution #2766-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #945-96.

Approved: 02/27/08

Rescinded:  
Resolution #945-96

### CONTINUING EMPLOYMENT POLICY

Resolution #2766-08

Civil Service has its own layoff/termination procedure which must be implemented in layoff and termination situations. Continuing Employment is a four-part concern: layoff of the individual, non-renewal of the salary agreement, termination for cause, and financial exigencies. Grant-funded people are eligible to participate if their grant allows for such participation.

1. Layoff of the individual for lack of work
  - A. College option to transfer individual to another department
    - (1) If need exists and person is qualified for the position
    - (2) And, performance appraisals are satisfactory
  - B. If individual is laid off for lack of work
    - (1) College Nonrenewable Appointment Pay Policy is in effect\*
    - (2) Career Counseling Services provided for up to six months
2. Nonrenewal of Salary Agreement
  - A. Applies to those who serve at the pleasure of the President and the Regional Board of Trustees
  - B. College Nonrenewable Appointment Pay Policy is in effect\*
  - C. At-Will doctrine in effect
3. Termination of Salary Agreement
  - A. For cause, other than criminal and immoral acts
    - (1) Six months paid nonrenewable appointment notice after 10 years of service or

(2) One week for each year of service up to ten years

B. Specific Cause: Poor Work Performance

(1) Six months nonrenewal notice during performance appraisal

(2) "Intensive" Appraisal during six month notice period

4. College Retrenchment

A. Staff and Faculty retrenchment follow similar procedures

B. Civil Service regulations implemented

C. Cabinet and Faculty Council Consultation

D. Crisis Management Team in place

E. Immediate notice of final decisions provided to affected employees:

- a. Six months employment continuation from notice of termination. Depending on the needs of the College, one week of pay for each year of service may be substituted for the six month notice.

F. Career Counseling Services provided for six months

5. \*College Nonrenewable Appointment Pay Policy

A. Two weeks severance for one year of service

B. One month severance for two years of service

C. Three months severance for three to five years of service

D. Six months severance for more than five years service

**RESCISSION OF ENCOURAGEMENT FOR PROFESSIONAL DEVELOPMENT  
POLICY**

Resolution #2765-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #627-93.

Approved: 02/27/08

Rescinded:  
Resolution #627-93

## **RESCISSION OF FACULTY MEMBERS WHO ASSUME ADMINISTRATIVE DUTIES**

Resolution #1268-98

WHEREAS, it has become apparent that by enforcing the policy enabled by Resolution #830-95 it could stifle the possibility of members of the faculty to accept administrative appointments,

BE IT THEREFORE RESOLVED, that Resolution #830-95 be rescinded.

Approved: 12/02/98

Rescinded:  
Resolution #830-95

**RESCISSION OF POLICY TO ENCOURAGE FACULTY MEMBERS TO ACCEPT  
ADMINISTRATIVE DUTIES AND APPOINTMENTS**

Resolution #2797-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #1269-98.

Approved: 04/16/08

Referenced: PECCC Contract

Resolution #1269-98

WHEREAS, to encourage faculty members to accept administrative duties and appointments,

BE IT THEREFORE RESOLVED, that faculty members who assume administrative duties or appointments may retain their tenure status within the Institution and seniority to the academic divisions. In such case that a faculty member returns to an academic position, their tenure status would be reinstated with only a loss of seniority for the period they were away from their tenured position. If and when the faculty member returns to a tenure position their academic division would receive adequate notification prior to the faculty members' actual return. The Academic division will be able to hire a tenure-track replacement for the faculty member after three years of service or before depending on divisional needs and the recommendation of the Dean of Academic Affairs.



## RESCISSION OF SABBATICAL LEAVE PROCEDURES

Resolution #2798-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #1682-02.

Approved: 04/16/08

Rescinded:  
Resolution #1682-02

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby approve the changes to the Sabbatical Leave Section (Section IV Employee Benefits Subsection L Sabbatical Leave for Faculty, Counselors, and Librarians, Item 3 Sabbatical Procedures, part c. of the Personnel Policies of the Regional Board of Trustees Handbook as follows:

- c. The Sabbatical Leave Committee will have sole authority to decide on the basis of educational merit which applications will be approved by the committee and will reach a decision on leaves for the following academic year by November 15 (change from December 15). The committee will transmit its recommendations to the President of the College. The President of the College will present his/her recommendations to the Regional Board of Trustees and will then notify the applicant and the committee of the final decision by the first business day in January (change from February 1).

**RESCISSION OF SICK LEAVE FOR FAMILY ILLNESS**

Resolution #2796-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #663-93.

Approved: 04/16/08

Rescinded:  
Resolution #663-93

## **RESCISSION OF TUTORIAL AND INDEPENDENT STUDY COURSES**

Resolution #2751-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College hereby rescinds Resolution #44-85 to handle tutorial and independent study courses (effective August 26, 1985) as this is a negotiable item to be determined by SUNY Corning Community College and the Professional Educators of SUNY Corning Community College (PECCC).

Approved: 02/27/08

Rescinded:  
Resolution #44-85

## **RETIREMENT INCENTIVE FOR CSEA and NON-BARGAINING UNIT EMPLOYEES**

Resolution #2768-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve offering a retirement incentive to members of the CSEA bargaining unit and to non-bargaining unit employees, aged 55 or older for whom the sum of age and service equals or exceeds eighty (80) as of the effective date of retirement, and,

BE IT FURTHER RESOLVED, that said retirement incentive shall equal 50% of the base pay for the current year of employment, and,

BE IT FURTHER RESOLVED, that within 90 days of the adoption of this Resolution, eligible employees must submit an irrevocable notice of intent to retire, and that retirement must occur no later than June 30, 2008.

BE IT FURTHER RESOLVED, that Resolution #2210-05 is hereby replaced.

BE IT FURTHER RESOLVED, that this Resolution will automatically expire, effective May 27, 2008.

Approved: 02/27/08

Replaced:

Resolution #2210-05

Resolution #1917-03

Resolution #1797-02

Resolution #1058-97

Resolution #946-96

Resolution #568-92

Resolution #481-91

**RETIREMENT INCENTIVE FOR PROFESSIONAL EDUCATORS OF SUNY  
CORNING COMMUNITY COLLEGE (PECCC)**

Resolution #2800-08

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College passed Resolution #2768-08 Retirement Incentive for CSEA and Non-Bargaining Unit Employees,

BE IT FURTHER RESOLVED, that Resolution #2768-08 be amended to include the Professional Educators of SUNY Corning Community College (PECCC) for inclusion in the retirement incentive.

Approved: 04/16/08

## **RETIREMENT PLANS**

Resolution (Not Numbered)

Resolutions are required by the Employees' Retirement System under the Regional College Designation: #1) Participation in the New York State Employees' Retirement System; #2) Providing a 1/60 Pension Under a Non-Contributory Plan, Section 65-c; #3) Providing an Additional Pension Benefit Under Section 75 -e; #4) Providing a Career Retirement Plan Under Section 75-6; #5) Providing for An Improved Career Retirement Plan Section 75-i; #6) Providing for An Allowance of Unused sick Leave Credits Under Section 41-j; #7) Providing for A Guaranteed Ordinary death Benefit Section 60-b; #8) Providing Participation In, and Designating the Effective Date of Coverage For, Old-Age and Survivors Insurance.

Approved: 03/27/85

## STRATEGIC PLAN

Resolution #1931-03

WHEREAS, the Regional Board of Trustees of SUNY Corning Community College values the importance of strategic planning and its significance in the long range planning of the College, and,

WHEREAS, the Regional Board of Trustees of SUNY Corning Community College recognizes that the implementation and subsequent evaluation of the strategic plan and resource allocation support the development and change necessary to improve and to maintain institutional quality,

BE IT THEREFORE RESOLVED, that the Regional Board of Trustees hereby accept and approve the SUNY Corning Community College Strategic Plan.

Approved: 09/24/03

Replaced:  
Resolution #1062-97

## **TERMINATION FOR CAUSE POLICY FOR TENURED EMPLOYEES**

Resolution #2159-05 Approval of the Amended SUNY Corning Community College Personnel Policies of the Regional Board of Trustees

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Personnel Policies of the Regional Board of Trustees, as amended.

Approved: 02/23/05

Replaced:  
Resolution #1774-02

Resolution #1774-02 Approval of the 2002 SUNY Corning Community College Personnel Policies of the Regional Board of Trustees

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approve the Personnel Policies of the Regional Board of Trustees, as amended.

Approved: 12/11/02

Rescinded:  
Resolution #929-96

WHEREAS, the Administration of SUNY Corning Community College wishes to implement a fair, effective and participative Termination for Cause Policy for Tenured Employees,

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College adopt the revised Termination for Cause Policy for Tenured Employees.

Approved: 03/13/96

Replaced:  
Resolution #620-93



**TRANSFER OF QUASI-ENDOWMENT FUNDS TO THE SUNY CORNING  
COMMUNITY COLLEGE DEVELOPMENT FOUNDATION, INC.**

Resolution #1789-02

WHEREAS, SUNY Corning Community College has identified certain cash assets that are maintained by the College in its Quasi-Endowment Funds, and,

WHEREAS, it is the focus of the SUNY Corning Community College Development Foundation, Inc. to solicit, receive, and manage assets in order to contribute to the long-range goals, objectives, and success of SUNY Corning Community College, and

WHEREAS, it is in the best interests of the College to transfer these cash assets to the SUNY Corning Community College Development Foundation, Inc.,

NOW, THEREFORE, BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College does hereby authorize transfer of \$800,000 from its Quasi-Endowment Fund to the SUNY Corning Community College Development Foundation, Inc., which will exercise complete fiduciary responsibility for these funds.

Approved: 10/16/02

## **VOLUNTARY SEPARATION INCENTIVE PROGRAM**

Resolution #3434-12 Voluntary Separation Incentive Program

BE IT RESOLVED, that the Regional Board of Trustees of SUNY Corning Community College approves the offering of a voluntary separation incentive to all full-time employees, age 50 or older with at least ten years of full-time service for whom the sum of age and service equals or exceeds seventy (70) as of the effective date of resignation, and,

BE IT FURTHER RESOLVED, that said voluntary separation incentive shall equal 50% of the base pay for the current year of employment, and,

BE IT FURTHER RESOLVED, eligible employees must submit an irrevocable notice of intent to resign no later than March 30, 2012, and that resignation must occur no later than July 1, 2012.

Approved: 02/08/12

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