

**Cayuga County Community College  
Auburn, New York**

Minutes of the regular meeting of the Board of Trustees held Wednesday, July 19, 2017 in the Business Industry Center on the Auburn Campus of Cayuga Community College.

Present: Dr. Linda P. Van Buskirk, Chair  
Ms. Marian Brown  
Mr. John Camardo  
Ms. Melina Carnicelli  
Ms. Angela Daddabbo  
Ms. Stephanie Hutchinson  
Mr. John J. Klink  
Mr. Patrick Mahunik  
Dr. Richard Stankus

Excused: Duanna Johnson

Also Present: Dr. Brian M. Durant, President  
Dr. Anne Herron, VP of Academic Affairs and Provost  
Dr. Dan DoBell, VP of Administration, Treasurer  
Jeff Rosenthal, VP of Student Affairs  
Guy Cosentino, Executive Director, CCC Foundation  
Tom Corcoran, Director of Human Resources  
Eric Zizza, Faculty Rep  
Bob Frame, APG President  
Jo-Ann Harris, Fulton Campus/Co-President ESP  
Theresa Rogalski, Co-President ESP  
Lorelee Lardear, Typist, Fulton  
Deborah Purcell, Senior Typist/CEWD  
Kelly Rochleau, Auburn Citizen

Pamela Heleen, Secretary to the Board

Dr. Van Buskirk called the meeting to order at 5:02 p.m.

**1.0 COMMENTS FROM THE PUBLIC**  
None.

**2.0 CONSENT AGENDA**  
Dr. Van Buskirk presented the Consent Agenda which consisted of the June 21, 2017 Regular Board Meeting minutes, the June, 2017 Monthly Bills totaling \$11,518,718.10, the 2017 Stipend List #21 and #22 totaling \$131,951.15.

Motion to accept the Consent Agenda was made by Ms. Brown and seconded by Mr. Klink. The motion carried following a unanimous voice vote.

A motion to amend the agenda to include an additional Finance & Audit item (resolution 3.1.9) was requested by Dr. Van Buskirk. Mr. Klink made the motion, seconded by Ms. Brown and approved following a unanimous voice vote.

**3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL**

**3.1 Finance & Audit Committee**

Ms. Hutchinson summarized the committee meeting notes and presented the following resolutions as motions to approve:

**3.1.1 Faculty Appointment:**

**RESOLVED**, that Sara Davenport be appointed to the permanent position of Library Director effective July 1, 2017 at an annual base salary of \$83,068. (Faculty Association contract, Professor Rate; a 20% differential is also paid per contract provisions for this 12 month position). Ms. Davenport has been serving as interim Library Director.

The motion was seconded by Ms. Carnicelli and carried following a unanimous roll call vote.

**3.1.2 Equal Employment Opportunity/Affirmative Action Policy:**

**RESOLVED**, that the College adopt the following Equal Employment Opportunity/Affirmative Action policy effective August 1, 2017.

“Cayuga Community College is an equal opportunity Affirmative Action employer and does not discriminate against any employee or applicant on the basis of race, color, creed, sex/gender (including pregnancy), age, disability, religion, national origin, military status, marital status, arrest/conviction record, sexual orientation, ancestry, domestic violence victim status, familial status, gender identity, predisposing genetic characteristics or carrier status, or any other basis prohibited by law. This policy applies to all terms and conditions of employment including, but not limited to, recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and leaves of absence.

This policy applies to all employees of the College. The College will not tolerate unlawful discrimination or harassment against its employees by other employees, customers, vendors, suppliers, and other non-employees.”

The motion was seconded by Ms. Carnicelli and carried following a unanimous voice vote. Discussion occurred related to NY State and federal guidelines, as well as our Child Care Center’s requirement of a federal background check for any applicant.

**3.1.3 Anti-Harassment Policy:**

**RESOLVED**, that the College adopt the following Anti-Harassment policy effective August 1, 2017:

“It is the policy of Cayuga Community College to maintain an environment in which the dignity and worth of individuals is respected. Accordingly, the College does not tolerate discrimination or harassment based on gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, familial status, gender identity, genetic predisposition or carrier status, sexual orientation, or any other basis protected by applicable Federal, state or local laws.

The College is committed to preventing harassment from occurring and to providing an avenue to promptly and effectively address complaints of harassment consistent with applicable Federal and state laws. These standards of conduct apply to interactions with co-workers, customers, vendors and others while conducting College business, even if the setting is informal or outside the traditional workplace.”

The motion was seconded by Ms. Daddabbo and carried following a unanimous voice vote.

3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL (continued)

3.1 Finance & Audit Committee (continued)

3.1.4 Sexual Harassment Policy:

RESOLVED, that the College adopt the following Sexual Harassment policy effective August 1, 2017:

New York State enacted the “Protect Victims of Sexual Harassment” bill which became effective in January 2016. This legislation protects all employees from sexual harassment in the workplace, regardless of the size of the employer.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment or advancement; (2) submission to or rejection of such conduct is used as basis for decisions affecting employment or professional advancement of an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with the employee’s ability to work or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment can include, but are not limited to, the following:

- Offering employment benefits in exchange for sexual favors;
- Threatening reprisals if sexual favors are not provided;
- Leering, staring, stalking;
- Suggestive or sexually explicit gestures, pictures, jokes or emails;
- Sexist remarks and behavior, not necessarily designed to elicit sexual cooperation, but which degrade or insult based on sexism; and
- Unwelcome physical conduct, such as pinching, hugging, or brushing a person.

Complaint Process

Anyone who has a concern about sexual harassment should promptly report the concern or incident to the Director of Human Resources or Vice President/Treasurer. Even if you are unsure whether a certain behavior constitutes sexual harassment, you are encouraged to report the situation so that it may be investigated, evaluated and, if necessary, addressed. The College expects that individuals who make reports pursuant to this policy do so truthfully and in good faith.

Upon receipt of a complaint, the College will take appropriate steps to investigate the situation. The College will maintain confidentiality as appropriate. This may include interviews of appropriate individuals (e.g., the person complaining, the accused, possible witnesses, etc.). The College will take action based on its assessment of the situation, which may include corrective action. Disciplinary action may be taken, up to and including termination of employment. Depending on the nature of a founded complaint, discipline may not necessarily be administered in a progressive manner.

Please note that while this policy sets forth the College’s goal of promoting a workplace that is free of sexual harassment, this policy is not designed or intended to limit the College authority to discipline or take remedial action for workplace conduct which it deems unprofessional, inconsistent with organizational standards, or otherwise inadvisable behavior, regardless of whether that conduct satisfies the legal definition of sexual harassment.

The motion was seconded by Ms. Brown and carried following a unanimous voice vote. A copy of the policy was provided to K. Rocheleau.

**3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL (continued)**

**3.1 Finance & Audit Committee (continued)**

**3.1.5 Non-Retaliation Policy:**

**RESOLVED**, that the College adopt the following Non-Retaliation policy effective August 1, 2017:

“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. Individuals who become aware of anyone engaging in retaliation prohibited by this policy should immediately report the matter to their supervisor or the Director of Human Resources. Any person who engages in retaliatory conduct prohibited by this policy will be subject to appropriate disciplinary action, up to and including termination of employment.”

The motion was seconded by Mr. Klink and carried following a unanimous voice vote.

**3.1.6 Guidelines for Reporting Leave Time When the College Closes Policy:**

**RESOLVED**, that the College adopt the following Guidelines for Reporting Leave Time When the College Closes policy effective August 1, 2017:

“When a college campus closes (e.g. inclement weather) and an employee has been approved for any time off or is not working due to an illness or any type of paid or unpaid absence, leave time balances will not be adjusted for the time closed (e.g. snow days).”

The motion was seconded by Ms. Brown and carried following a unanimous voice vote.

**3.1.7 Employment of Family Members and Household Members Policy:**

**RESOLVED**, that the College adopt the following Employment of Family Members and Household Members policy effective August 1, 2017:

“In order to avoid conflicts of interest and to ensure College employees are judged objectively and employed on the basis of individual qualifications, the following policy applies to all full and part-time employees, student workers, temporary employees and contractors. An employee and the immediate family member and household member of the employee cannot:

- Work directly or indirectly for each other where there is direct or indirect management decision oversight, compensation or performance decision oversight by either person, including a matrix reporting relationship.
- Report to the same manager, including where there is a matrix-reporting relationship

The definition of family member includes spouse, parent, child, stepparent, stepchild, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, aunt, uncle, legal guardian.

Written exception requests should be addressed to the functional area Vice President stating the nature of the exception, rationale for an exception and proposed provisions to avoid a conflict of interest. (e.g. when the policy is in conflict with a collective bargaining agreement) Decisions will be made in consultation with Human Resources and the President. EOE/AA and job posting guidelines apply.”

The motion was seconded by Ms. Brown. Discussion about spousal hires and the exception policy occurred. The motion carried following a unanimous voice vote.

3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL (continued)

3.1 Finance & Audit Committee (continued)

3.1.8 Conflict of Interest Policy:

**RESOLVED**, that the College adopt the following Conflict of Interest Policy effective August 1, 2017:

The President and the Board of Trustees of Cayuga Community College recognize that all members of the College community must observe standards of ethical conduct to fulfill the College mission with integrity and assure public confidence in the institution. The purpose of this policy is to set forth rules of ethical conduct and procedures for disclosing potential conflicts of interest.

**Definitions:**

**Interest** - A monetary, personal, or material benefit.

**Relationship** - A familial kinship, personal association, or business interest.

**Conflict of Interest** - The opportunity to advance one's own interest, or the interests of others with whom one has a relationship, in a way harmful, or potentially harmful to the interest of the College. The existence of a relationship or interest that inhibits a member of the College community from exercising independent judgment in the best interest of the College. The existence of a relationship that is no longer strictly business related and beyond the boundaries of friendship (e.g., dating).

The College prohibits undisclosed conflicts of interest or potential conflicts of interest. Knowingly acting and/or persisting in a conflict of interest is unethical. When a potential conflict of interest arises, the individual in conflict has a duty to avoid or eliminate the conflict, or disclose the situation to the Director of Human Resources. Failure to report a conflict of interest will result in appropriate administrative action by the College. The College will attempt to resolve conflict problems so that no one is unfairly disadvantaged.

**Examples of Potential Conflicts of Interest**

The following examples illustrate situations that may constitute a conflict of interest. This list is not comprehensive and does not limit the scope of this policy.

1. *Favoring of Outside Interests for Personal Gain*
  - a. Exerting influence on the discussion of, or voting on, College decision relating to agreements, programs, and/or services to the advantage of the individual or person with a relationship to that individual.
  - b. Exerting influence on the decision to purchase, lease or terms of lease services, equipment or materials for the College to the advantage of the individual or person with a relationship to that individual.
  - c. Exerting influence on students to purchase services or materials to the advantage of the individual or person with a relationship to that individual.
  - d. Engaging in a College agreement or service contract with a third party in which either the individual or a person with relationship to that individual has a financial or other interest.
  - e. Managing (or supervising or controlling) and/or directing (or guiding or conducting) a College program to serve the needs of a third party in which either the individual or a person with a relationship to that individual has a financial or other interest.
  - f. Accepting gifts or special favors for personal gain from private organizations or individuals with whom the College does business, or from students or colleagues, without complete disclosure to and approval from the person's supervisor.
2. *Inappropriate Use of College Personnel, Resources, or Assets*
  - a. Using College students or staff on College time to carry out work for an enterprise in which either the individual or a person with a relationship to that individual has a financial or other interest.
  - b. Unauthorized and non-reimbursed use of College resources or facilities to benefit a private concern in which the individual or a person with a relationship to that individual has a financial or other interest.

3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL (continued)

3.1 Finance & Audit Committee (continued)

3.1.8 Conflict of Interest Policy (continued)

3. *Inappropriate use of information*
  - a. Using for personal gain or other unauthorized purposes, information acquired because of the individual's College activities; such information might include knowledge of forthcoming developments requiring contractor selection, etc.
  - b. Unreasonably delaying publication of information or premature release of information to secure personal gain or to secure gain for a person with whom an individual has a relationship.
4. *Employment and Evaluative Relationships*
  - a. Participating in the selection, supervision, evaluation or discipline of a student or employee with whom the individual has a relationship.
  - b. Participating in any employment decisions involving a person with whom the individual has a relationship.
  - c. Engaging in other employment, which interferes with the performance of their professional obligation.
5. Conflict of interest situations involving a dating relationship by a manager and someone in his/her hierarchy.

**Procedures**

The Director of Human Resources will distribute the Code of Ethics policy and the Examples of Potential Conflicts of Interest to all current employees. All new employees will receive the policy and examples during orientation. Staff will be instructed to read the policy carefully and in instances where potential or actual conflicts exist, employees are expected to consult with the Director of Human Resources and abide by this campus policy.

The Director of Human Resources will discuss disclosed conflicts of interest with the appropriate Vice President having supervisory responsibility for the employee who disclosed the conflict of interest or potential conflict of interest. The Vice President will then make a recommendation to the President for consideration and additional action, as appropriate.

The motion was seconded by Ms. Brown and carried following a unanimous voice vote.

3.1.9 Authorize Awarding Bid for the Renovation of the Faculty Staff Dining Room:

**RESOLVED** that, upon the evaluation and recommendation by Thomas R. Pratt Architect, of all three (3) bids together with supporting documents, post-bid documents, and contractor's qualifications, the Board of Trustees of Cayuga Community College hereby approves that the bid be awarded as listed below; and, further, be it

**RESOLVED**, that the Board of Trustees of Cayuga Community College does hereby authorize and direct the College administration to renovate the faculty dining room into offices and a copy center with Rowlee Construction as outlined in the Bid Analysis Report.

Renovation of the Faculty Staff Dining Room for the amount of eighty-one thousand two hundred thirty dollars (\$81,230) to:

Rowlee Construction  
81 Pierce Drive  
Fulton, NY 13069

The motion was seconded by Ms. Brown. Mr. Klink stated that he had toured the proposed renovation and stated that it would enhance the vibrancy of the Student Center. Mr. Camardo asked about excess furniture; Dr. Durant stated that it is generally repurposed for another area of the College or sold at auction. The motion carried following a unanimous roll call vote.

### 3.2 Governance & Planning Committee

Ms. Carnicelli highlighted the meeting notes that were included in the Board packet. She presented the following resolution as a motion to approve:

#### 3.2.1 REVISION TO THE POLICIES AND PROCEDURES (ARTICLE VI) AND ADDITION TO BY-LAWS (ARTICLE VI, Section D)

**WHEREAS**, the College By-Laws allow for amendment of the By-Laws with a majority vote of the Trustees present at any Board meeting, provided notice of the proposed amendment shall have been contained in the notice of the meeting; and

**WHEREAS**, the College Policies and Procedures of the Board per se are, for the most part, contained in its By-Laws; and

**WHEREAS**, the College Policies and Procedures of the Board represent additions to the By-Laws.

**WHEREAS**, notice of a proposed revision of the Policies and Procedures and amendment to the By-Laws was contained in the notice of the July 2017 meeting of the Board; now, therefore be it

**RESOLVED** that Article VI of the Board Policies and Procedures be removed and added to the Board By-Laws as Article VI, Section as follows:

*Retiring and/or retired Cayuga Community College Board of Trustees' members may become Trustee Emerita/Emeritus by action of the Board. The title shall be bestowed upon the retiring trustee(s) at a celebration planned and hosted by the Board.*

**AND LET IT FURTHER BE RESOLVED** that the Article VI of the Board POLICIES and PROCEDURES be revised as follows:

*Trustee Emerita/Emeritus - Nomination Process*

1. *At least two current Board members should submit a nomination to the Chair of the Board of Trustees for consideration by the Governance and Planning Committee.*
2. *The nominee should have served a minimum of two terms as Trustee.*
3. *The nominee should have served as Officer and Chair of the Board.*
4. *The nominee should have earned the unanimous respect of the current Board members.*
5. *The nomination should be made within two years of the Trustee's completion of Board service. In exceptional circumstances, the time restriction to designate a former Trustee as Emerita/Emeritus may be waived.*
6. *If a former Trustee is nominated but not endorsed by the full Board of Trustees (up or down voting will be confidential), he or she may be re-nominated in a subsequent year. If not endorsed at the second nomination, the Trustee will no longer be eligible for Emerita/Emeritus status.*

The motion was seconded by Ms. Brown and carried following a unanimous voice vote.

### 4.0 REPORTS

#### 4.1 President's Report

4.1.1 **President:** Dr. Durant provided the following highlights:

- The College budget was approved by the Cayuga County Legislature. The President appreciated the attention and support the Legislators gave to the vision of the College.
- Working on the new sign at the entrance of the Auburn campus.
- Advertorials are appearing in the Auburn Citizen - the AMI was featured; on-line learning is the next topic and the 4 academic schools will be next.
- Elizabeth Mignacca is spearheading the creation of the infrastructure on policy development.
- Thanks to all the staff who are helping to get ready for the class of students who will begin classes on August 28.

- 4.1.2 **Provost and Vice-President for Academic Affairs:** Dr. Herron highlighted her report:
- Congratulations to Steve Keeler for his certification as a licensed drone pilot. He is now authorized to offer credit and non-credit instruction in drone operation and aerial photography.
  - Congratulations to Sara Davenport and Holly Kuhl for co-authoring a paper which has been accepted for presentation at an international library conference in Beijing, China.
  - Next phase of approvals for funding of three proposals included in the SUNY Performance Improvement Fund will take place in August.
- 4.1.3 **Vice-President for Administration:** Dr. DoBell highlighted his report:
- Auditors are on campus doing pre-audit site work.
  - Thanks to all in the Financial Aid, Registrar, and Business Offices who have been working on credit verification for the Excelsior Scholarship Program.
- 4.1.4 **Vice-President for Student Affairs:** VP Rosenthal reported on the following items:
- 101% of 2016 - 2017 enrollment goal.
  - August Instant Admission Days are being planned on each campus. SUNY has awarded Cayuga with \$10,000 to put toward recruitment activities.
- 4.1.5 **Student Trustee:** Ms. Johnson was excused. No report was provided.
- 4.1.6 **CCC Foundation:**
- Property on Franklin Street is ready to be transferred to the County.
  - Gettysburg and New York trips still have openings.

5.0 **OLD BUSINESS** - None

6.0 **NEW BUSINESS** - ACCT invoice for 2017 - 2018 membership was included. A packet of ACCT resources will be prepared for the Trustees. Dr. Van Buskirk is on the policy committee with the NYCCT. Dates for the September NYCCT meeting in Syracuse will be sent to Trustees

7.0 **COMMUNICATIONS**  
None.

8.0 **INFORMATION**  
Noted.

9.0 **EXECUTIVE SESSION**  
At 5:46 p.m., Dr. Van Buskirk announced that the Board needed to adjourn into Executive Session to discuss Collective Bargaining, real estate, and personnel issues. No action will be taken by the Board after Executive Session. The motion to adjourn into Executive Session was made by Ms. Carnicelli, seconded by Mr. Mahunik, and carried following a unanimous voice vote. The Board returned from Executive Session at 7:18 p.m. following a motion by Mr. Camardo, seconded by Mr. Mahunik and carried following a unanimous voice vote.

10.0 **ADJOURNMENT**  
Mr. Camardo moved to adjourn the meeting, seconded by Ms. Carnicelli and carried by unanimous voice vote. The meeting adjourned at 7:18 p.m.

Recorded & transcribed by:

Respectfully submitted:

Pamela Heleen  
Secretary to the Board

Melina Carnicelli  
Secretary, Board of Trustees