APPROVE REVISIONS TO A COLLEGE POLICY: STUDENT CODE OF CONDUCT

WHEREAS, in compliance with New York State Education Law, Article 129-A, the Finger Lakes Community College Board of Trustees shall adopt written rules that govern the conduct of students and the penalties for violations of such rules shall be clearly set forth therein; and

WHEREAS, following is a summary of the proposed revisions to the FLCC Student Code of Conduct:

1. ADA Policy Changes
   
   **Issue:** Changes in ADA policy interpretation indicate that sanctioning a student solely for being a harm to themselves may no longer be considered legal
   
   **Solution:** Removal of language from the violation and sanction sections of the code indicating students can be charged with and sanctioned for representing a harm solely to themselves.

2. Stalking
   
   **Issue 1:** Instructions were given to more clearly define and describe stalking in the Code of Conduct
   
   **Solution 1:** A new section has been added to “Proscribed Conduct” defining stalking and indicating that it is considered a violation of the Code of Conduct.

   **Issue 2:** Instructions were given to review definitions for sexual harassment in the Code of Conduct
   
   **Solution 2:** The definition has been altered slightly to add clarity and to match more closely other College policies.

3. Conduct Appeals
   
   **Issue:** Current best practice in student conduct is shifting to models requiring students to show that an appeal is appropriate, and not just a re-hearing of the original meeting. This topic was covered in some depth at a presentation at the annual Association of Student Conduct Administrators (ASCA) where the model recently adopted from Wesley College was shared. This model requires students to demonstrate certain things, such as procedural errors, prior to being granted an appeal; in contrast to our current procedures which simply require them to allege these things via check-boxes.
   
   **Solution:** Language similar to what was discussed at the national conference is inserted in the 2013 version and below:
   
   An appeal is not a re-hearing of a case and students must demonstrate that grounds exist prior to being given the opportunity to appeal. Requests for appeal must be delivered to the Associate Vice President of Student Affairs by the deadline date(s) mentioned in student’s letters. Appeals of Conduct Sanctions will only be considered if student demonstrates at least one of the following:
   
   1) The student demonstrates a substantive procedural error occurred that significantly affected the outcome of the hearing.
   
   2) The student demonstrates that the sanction(s) assigned is significantly inconsistent with institutional guidelines and/or past practice.
   
   3) The student brings forth new evidence that was not available at the time of the hearing, which, if introduced would significantly affect the outcome of the hearing.

4. Appeals Protocol
   
   **Issue:** The current appeal guidelines state that sanctions are postponed during the appeal process. This became a problem this past year when an individual was perceived as imminently disruptive by faculty.
   
   **Solution:** New language provides the option to have students complete coursework remotely via Angel or online delivery methods if the original sanctions would have restricted them from attending.

5. Sexual Harassment Procedures
   
   **Issue 1:** As we continue to receive guidance on handling these matters we have most recently heard that there is concern that students whose behavior preceding or leading to victimization (e.g. substance use) may discourage them from reporting events due to concern that they, the victims, may be charged with conduct violations.
Solution 1: We have added language stating that the College will consider immunity from conduct violations in situations where students’ behavior may have impaired their ability to prevent or respond to harassing or violent behaviors.

Issue 2: Current procedures lack clarity on how the College proceeds when one or more parties in a situation choose not to participate in the process.

Solution 2: Language has been added that, similar to other conduct procedures, indicates that the College may proceed with its processes without the input of all parties and may render decisions without the input of all parties. Such procedures are clear to indicate that they are not presumptive of responsibility if a student elects not to participate.

WHEREAS, proposed revisions to said policy have been reviewed and approved by the College President, Vice President of Academic & Student Affairs and the Interim Associate Vice President of Student Affairs; and

WHEREAS, the college administration recommends FLCC Board of Trustees approval of revisions to the existing policy in conformance with all applicable laws and regulations; and

WHEREAS, the FLCC Board of Trustees Education & Planning Committee has reviewed this resolution; and

WHEREAS, all previously existing documents, statements or other communications purporting to set forth official College policy with respect to the corresponding subject matter, or that are in any way inconsistent with the attached policy, are hereby REPEALED;

NOW, THEREFORE BE IT RESOLVED, that the FLCC Board of Trustees hereby approves the implementation of a revised Student Code of Conduct policy effective immediately.

Approved by the FLCC Board of Trustees at the meeting on December 5, 2012

December 5, 2012

Date

Donna M. Mihalik, Secretary of the Board

I do hereby certify that I have compared the foregoing copy with the resolution duly adopted by the Board of Trustees of the said Finger Lakes Community College sponsored by Ontario County at their regular meeting held on the 5th day of December 2012 and entered in the minutes thereof. That said copy is a true and correct transcript of the whole of said resolution, in witness whereof, I have hereunto set my hand this 5th day of December 2012.

Karen A. Hopkins, Assistant Secretary of the Board
GRANT A PROFESSIONAL ASSOCIATION ADMINISTRATIVE APPOINTMENT:
HEIDI MARCIN, DIRECTOR OF MARKETING

WHEREAS, Heidi Marcin, a Professional Association administrative employee, has received a satisfactory annual evaluation from her immediate supervisor, and;

WHEREAS, the College President and the Vice President of Enrollment Management recommends that Ms. Marcin receive an administrative appointment; and

WHEREAS, the FLCC Board of Trustees has reviewed and approved this resolution;

NOW, THEREFORE BE IT RESOLVED, that the Finger Lakes Community College Board of Trustees does hereby grant an administrative appointment to Heidi Marcin, Director of Marketing, effective on June 30, 2013.

Approved by the FLCC Board of Trustees at the meeting on December 5, 2012

December 5, 2012
Date

Donna M. Mihalik, Secretary of the Board

I do hereby certify that I have compared the foregoing copy with the resolution duly adopted by the Board of Trustees of the said Finger Lakes Community College, sponsored by Ontario County, at their regular meeting held on the 5th day of December 2012 and entered in the minutes thereof. That said copy is a true and correct transcript of the whole of said resolution, in witness whereof, I have hereunto set my hand this 5th day of December 2012.

Karen A. Hopkins, Assistant Secretary of the Board
Municipal Cooperative Agreement to Provide Health Benefits through a Cooperative Effort Known as the Non-Monroe County Municipal School District Program

WHEREAS, Article 5-G of the General Municipal Law authorized municipal corporations to enter into cooperative agreements for the performance of those functions or activities in which they could engage individually; and

WHEREAS, Section 92-a, 119-o of the General Municipal Law authorizes municipalities to purchase medical and dental insurance policies, enter into group health plans, and establish a joint body to administer a health plan; and

WHEREAS, Section 119-n of the General Municipal Law defines the term "municipal corporation" to include a county, city, town, village, fire district, school district and board of cooperative education services, and for purposes of this Municipal Cooperative Agreement, Finger Lakes Community College; and

WHEREAS, the participants in this agreement have determined to their individual satisfaction that they can furnish medical and/or dental benefits for their officers, employees/retirees and COBRA participants (hereinafter collectively referred to as employees) at a significant cost savings by acting in concert with one another in the manner hereinafter expressed; and

WHEREAS, the participants wish to designate themselves under this agreement as the Non-Monroe County Municipal School District Program;

NOW, THEREFORE BE IT RESOLVED, that the Finger Lakes Community College Board of Trustees hereby agrees to be a member of, and participate in, the Non-Monroe County Municipal School District Program and furnish health and dental benefits for certain officers, employees/retirees and COBRA participants through such program; and

BE IT FURTHER RESOLVED, that the Finger Lakes Community College Board of Trustees hereby enters into a Municipal Cooperative Agreement to Provide Health Benefits through a cooperative effort known as the Non-Monroe County Municipal School District Program, and further authorizes the Director of Human Resources to sign such agreement on behalf of Finger Lakes Community College.

Approved by the FLCC Board of Trustees at the meeting on December 5, 2012

Date December 5, 2012

M. Joan Geise, Chair, FLCC Board of Trustees

I do hereby certify that I have compared the foregoing copy with the resolution duly adopted by the Board of Trustees of the said Finger Lakes Community College sponsored by Ontario County at their regular meeting held on the 5th day of December 2012, and entered in the minutes thereof. That said copy is a true and correct transcript of the whole of said resolution, in witness thereof, I have here unto set my hand this 5th day of December 2012.

Karen A. Hopkins, Assistant Secretary of the Board
BID EXTENSION: HAULING AND DISPOSAL OF TRASH & RECYCLABLES

WHEREAS, resolution 01-11 dated January 5, 2011 awarded a bid for the hauling and disposal of trash and recyclables for Finger Lakes Community College, bid B10143; and

WHEREAS, the specifications for bid B10143 allow for an option for renewal for two additional twelve-month periods, if mutually agreeable by both parties; and

WHEREAS, this would be the second and final renewal available for an additional twelve-month period from January 5, 2013 through January 4, 2014; and

WHEREAS, Finger Lakes Refuse Disposal, Inc., PO Box 333, Canandaigua, NY 14424 has indicated a desire to extend the contract for hauling and disposal of trash and recyclables for a twelve-month period at the current price structure indicated in the bid; and

WHEREAS, the FLCC Board of Trustees Finance & Facilities Committee has reviewed and approved this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the FLCC Board of Trustees does hereby extend the contract of Finger Lakes Refuse Disposal, Inc., PO Box 333, Canandaigua, NY 14424 for one additional twelve-month period from January 5, 2013 through January 4, 2014; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to the FLCC Vice President of Administration & Finance, the FLCC Director of Facilities & Grounds, and the Ontario County Purchasing Director.

Approved by the FLCC Board of Trustees at the meeting on December 5, 2012

December 5, 2012
Date

Donna M. Mihalik, Secretary of the Board

I do hereby certify that I have compared the foregoing copy with the Resolution duly adopted by the Board of Trustees of the said Finger Lakes Community College sponsored by Ontario County at their regular meeting held on the 5th day of December 2012 and entered in the minutes thereof. That said copy is a true and correct transcript of the whole of said resolution, in witness whereof, I have hereunto set my hand this 5th day of December 2012.

______________________________________________
Karen A. Hopkins, Assistant Secretary of the Board
BID ACCEPTANCE: VOICE & DATA NETWORKING, EQUIPMENT & CONSULTANT SERVICES

WHEREAS, the Ontario County Purchasing Director advertised for and received bids for voice and data networking, equipment and consultant services for Finger Lakes Community College, bid B#12118; and

WHEREAS, college personnel have reviewed said bids and determined that the sole responsive / responsible bidder is acceptable; and

WHEREAS, the bid specifications allow for up to two additional twelve-month periods for a total of three years, if mutually agreeable by both parties; and

WHEREAS, this is a demand contract and the annual cost will depend on the requirements throughout the year; and

WHEREAS, the contract with CSNY will be for a twelve-month period from December 6, 2012 through December 5, 2013; and

WHEREAS, the FLCC Board of Trustees Finance & Facilities Committee has reviewed and approved this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the FLCC Board of Trustees does hereby authorize the College to enter into a contract with CSNY Inc., 227 Castle Rd, Rochester, NY 14623 from December 6, 2012 through December 5, 2013 for voice and data networking, equipment and consultant services; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to the FLCC Vice President of Administration & Finance, the FLCC Director of Business Services and the Ontario County Purchasing Director.

Approved by the FLCC Board of Trustees at the meeting on December 5, 2012

December 5, 2012
Date
Donna M. Mihalik, Secretary of the Board

I do hereby certify that I have compared the foregoing copy with the Resolution duly adopted by the Board of Trustees of the said Finger Lakes Community College sponsored by Ontario County at their regular meeting held on the 5th day of December 2012 and entered in the minutes thereof. That said copy is a true and correct transcript of the whole of said resolution, in witness whereof, I have hereunto set my hand this 5th day of December 2012.

Karen A. Hopkins, Assistant Secretary of the Board
BID ACCEPTANCE: PURCHASE OF A 4X4 UTILITY WORK VEHICLE

WHEREAS, the Ontario County Purchasing Director advertised for and received bids for the purchase of a 4x4 utility work vehicle, bid B12135, for Finger Lakes Community College; and

WHEREAS, college personnel have reviewed said bids and determined that the low responsive/responsible bid that met specifications for all items is acceptable; and

WHEREAS, based on the low overall responsive/responsible bid estimate, if the utility vehicle and all requested attachments are purchased, the total cost would be $52,217.00; and

WHEREAS, the Finger Lakes Community College Board of Trustees Finance & Facilities Committee has reviewed and approved this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the FLCC Board of Trustees hereby accepts the low responsive/responsible bid of DJM Equipment, 7216 Palmyra Rd, Fairport, NY 14450, for the purchase a 4X4 utility work vehicle; and

BE IT FURTHER RESOLVED, that based on the low overall responsive/responsible bid estimate, if the utility vehicle and all requested attachments are purchased, the total cost would be $52,217.00; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to the FLCC Vice President of Administration & Finance, the FLCC Director of Buildings & Grounds, and the Ontario County Purchasing Director.

Approved by the FLCC Board of Trustees at the meeting on December 5, 2012

December 5, 2012  DONNA M. MIHALIK, Secretary of the Board

I do hereby certify that I have compared the foregoing copy with the Resolution duly adopted by the Board of Trustees of the said Finger Lakes Community College sponsored by Ontario County at their regular meeting held on the 5th day of December 2012 and entered in the minutes thereof. That said copy is a true and correct transcript of the whole of said resolution, in witness whereof, I have hereunto set my hand this 5th day of December 2012.

______________________________
Karen A. Hopkins, Assistant Secretary of the Board