

NASSAU COMMUNITY COLLEGE
Garden City, New York 11530

Board of Trustees Policy & Planning Committee Meeting Minutes

October 9, 201reM2e&

RESOLVED, THAT THE POLICY & PLANNING COMMITTEE HERewith AFFIRMATIVELY RECOMMENDS AND REFERS POLICY 3100: NEWS MEDIA RELATIONS AS AMENDED TO THE BOARD FOR A FIRST READING AND ADOPTION AT ITS BOARD MEETING SCHEDULED FOR OCTOBER 9, 2018, AND THAT THE SAME BE SUBSEQUENTLY INCORPORATED INTO THE POLICY MANUAL OF THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE AFTER THE SECOND READING BY THE BOARD OF TRUSTEES AND THE PASSING OF THE AMENDMENT BY THE BOARD OF TRUSTEES.

Trustee Tuman made the motion; seconded by Trustee Figueroa. Motion carried 4-0.

3. Chair Weiss began discussion on Policy 2200: Sexual Harassment and Sexual Violence by commenting that she had become aware of the change in the law through an article in the ACCT Board journal. The State had not finalized its guidance and model policy documents until October 1, 2018 with the directive to establish policy by October 9. She thanked staff that had to work on this tentative legislation and to wait for changes with such short turnaround time for development and implementation.

Dr. Keen opened discussion by stating that, in what has become a recent tactic, the adoption of the law was incorporated into the budget-making process last Spring. Its primary purpose is to extend compliance with sexual harassment and sexual violence law to all employers, of which the College is one. Legislation from the federal government dates back to the 70s, so our policy is rather extensive and detailed.

Donna Haugen noted that the last amendment focused on students, whereas this one centers on employees. Since the College integrated addresses sexual harassment of students and employees in one policy document, it is a lengthy policy.

Alla Brodsky outlined the policy changes. Labor law now requires all New York State employers to have a sexual harassment policy. Since the College already has one, we had to review our policy to determine whether the new state law requirements are already included in our policy, and which policy mandates are missing. One substantive change involves the responsibility of supervisors to report sexual harassment and the consequences of failure to report. The policy was expanded to expressly require identified supervisors to report sexual harassment within five(5) days of learning of

refuses to reimburse the employer. Dr. Keen added that we indemnify our employees, but now through this major change in law we are not responsible for payment were an employee is deemed at fault. Alla Brodsky continued that for all State, municipal, County and school district employees any settlement of a sexual harassment complaint will no longer contain a non-disclosure clause unless the complainant agrees to or asks for it to be included. We are now responsible to protect from sexual harassment not just employees, but vendors, consultants and anyone who comes to campus. Donna Haugen and Chair Weiss each remarked that the College has been upholding this policy before it became codified by law. Alla Brodsky continued that annual training on sexual harassment is mandatory by every State employer for all employees, whether they are Full-Time, Part-Time, temporary or interns. The State has prepared a template of this training, but employers may create their own training program. Initially the State has required training to be completed by December 31, 2018, but after outcry during public comment, the requirement was revised to be completed within a year from when the law took effect, or by October 9, 2019.

Craig Wright stated that the campus will be notified about the training requirement after the Board has approved the policy. The vendor who handles *Not Anymore* online training for new employees and students will be contacted regarding new training focused on sexual harassment specifically to faculty and staff. Going forward, training will be conducted every year.

Donna Haugen conveyed she had requested by email to the committee in advance that due to the Policy 2200: Sexual Harassment and Sexual Violence, for which Policy 1300: Formulation, Adoption, and Amendment of Policies allows the Board to expedite passage of policy for extenuating circumstances.

Dr. Keen remarked that typically various campus constituencies would have the opportunity to examine policy proposals, but in this instance review was limited to the Academic Senate and the Committee for Diversity, Equity and Inclusion, the meeting of the latter of which Alla Brodsky and Craig Wright attended to provide guidance.

Further comments from Trustees Weiss and Tuman occurred emphasizing that the change to annual training emanates from a State mandate and not from a College decision, as well as to reinforce accountability, liability and confidentiality.

Craig Wright concurred that it is prudent to reinforce these issues and consequences of an incident, such as the potential impact on their retirement. There is a plan to implement a sign-off for supervisors, from coordinators to Vice Presidents, on the virtual training as well as the in-person training that those who have received training have read the notice. Trustee Weiss further stated that through in-person meetings supervisors should be made aware of this clause in the law that it is their responsibility to procure the sign-offs.

