

## SUNY CANTON COLLEGE COUNCIL

### 279<sup>th</sup> MEETING

March 20, 2018

<b>Present:</b>	Grace Burke Joseph Rich	Ronald O'Neill, Chair Thomas Sauter	Marie Regan Nikki Zeitzmann
<b>Absent:</b>	Timothy Currier Roger Sharlow	Cecily Morris	Chloe Ann O'Neil
<b>Others:</b>	Courtney Bish Douglas Scheidt Zvi Szafran	Brian Harte Anne Sibley Lenore VanderZee	Shawn Miller Travis Smith Michaela Young

#### ***Call to Order***

Chairman O'Neill called the meeting to order at 9:00 a.m.

#### ***Minutes of November 28, 2017 Meeting***

Mr. Sauter made a motion to accept the November 28, 2017, minutes with a comment. The motion was seconded by Mr. Rich.

Mr. Sauter commented that he felt on page 7 Dr. Burke's comment was out of context, because part of the discussion was missing. The discussion leading up to Dr. Burke's comment regarded the proposed changes in the tax law and how it would affect the Foundation. He stated that this led into a discussion, started by the Chairman, about a certain political party that does not support higher education, and then Dr. Szafran provided additional details to the Chairman's comments. He stated that there was a bit of discussion that led into Grace's comments. He felt that the minutes should reflect what was said at the meeting. Mr. Sauter then asked if Chairman O'Neill remembered that. Chairman O'Neill responded that he did. Mr. Sauter further explained that he thought it was important, as the Chairman and the President both mentioned it, and President Szafran continued to talk about it a month later in his Weekly Blab. Mr. Sauter stated that it should be in the minutes, as it is a more accurate statement of what was said at the meeting. Chairman O'Neill agreed with the correction, and Ms. Young will make the appropriate changes. Chairman O'Neill asked Mr. Sauter if he was willing to approve the minutes now pending those changes; Mr. Sauter stated that he was.

The minutes were approved pending the corrections.

#### ***New Business***

##### **Resolution Honoring Wesley L. Stitt**

Chairman O'Neill reported that the Council received a copy of the resolution honoring Wes Stitt. Due to time constraints, Chairman O'Neill will not read it aloud; however, it was reiterated that the Council did receive it. The Chair entertained a motion to approve the resolution.

Ms. Regan made a motion to approve the Resolution Honoring Wesley L. Stitt. The motion was seconded by Mr. Sauter.

The Chair asked if anyone had any comments. Mr. O'Neill shared that Wes began a tradition for outgoing/incoming College Council Chairs. When Mr. Stitt was appointed as Chairman, Mr. O'Neill was the outgoing Chairman (on his first term). Mr. Stitt allowed Mr. O'Neill to finish his appointment as Chair by having him chair Mr. Stitt's first College Council meeting; Mr. O'Neill stated that he thought this was a nice gesture. Mr. O'Neill went on to say that he consequently did the same for Wes when Mr. O'Neill was appointed to his latest term.

Mr. Rich added that, as a new member, Wes had a way about him that made his wife and him feel very comfortable. Wes was very welcoming at events that they attended and helpful by introducing them to several people. He stated that they miss him a great deal.

Ms. Regan added an unfortunate, but funny, story of how her and Wes first met. She was hurrying to a Council meeting and accidentally ran into Wes' car bumper when she pulled into park. She stated that Wes was quite righteous about the scratch, and they got along nicely after that.

The resolution was approved.

### **Leave of Absence Draft Policy**

Chairman O'Neill stated that the policy was provided to the Council. He asked if there was any information to be provided. Dr. Scheidt shared that most colleges have such a policy; however, we do not. Here, if a student leaves on their own accord and in good academic standing and they want to return, they have to go through Admissions and reapply. We have no mechanism in place to help them expedite this process, so we would like to put something in place to make that possible.

Mr. Sauter stated that the policy talks about a maximum of two semesters. He asked if this meant consecutive, or can they take two different leaves of one semester each? Ms. Bish shared that she does not believe that they got that detailed when this was drafted. She reported that she thinks the application of the process will be done by the employees who will handle it. She stated that she thinks if they have done two semesters at some point they can do this; it just is not for those who have only done one semester, as there is nothing for them to look at. Mr. Sauter clarified that he was asking about the leave for two semester – "A leave of absence may be granted for a maximum of two semesters..." He reiterated his question – is it two consecutive or is it one a semester, they come back, and then take another in a different semester? Ms. Bish stated that she thinks it is intended to be two at one time. She also explained that taking this leave does not stop you from taking another leave at another time. Mr. Sauter pointed out that the policy does not say that because it reads that a leave can be taken for a maximum of two semesters. He remarked that if you assume a typical student's path is four years, do they get two now and two later; it just is not clear. Dr. Scheidt stated that we can insert the word "consecutive." He further stated that there is no limit to how many you can have, but there is the limit to how much time can be taken for each leave. If they take more than two semesters at a time, they fall outside of this policy. Dr. Scheidt reiterated that the word "consecutive" can be inserted to clarify the length of the leave, but there would be no text added with regard to the number of leaves that can be taken. Mr. Sauter asked if there was an intent to put a cap on it. It was stated that there was not. He also asked how this policy would affect courses of study that might have enrollment maximums (i.e., a

course has a maximum of 20 students and a student pulls out for two semesters but wants to come back). Dr. Scheidt noted that there are programs needing specific approval; the above example falls under those. Mr. Sauter understands that provisions have been made for them, but he asked how that would really work and if it was practical in those programs. He asked what feedback has been received from Deans and Program Directors. Dr. Scheidt shared that this would be more of an issue for Admissions – if someone pulls out of a freshman class that is a four-year program, that class is now n-1, so the incoming class also has to be n-1 as well, as we are holding a spot for this person. To confirm, Mr. Sauter asked if a spot was being held for this person. The answer was yes. Dr. Scheidt further shared that the hope is that this is a small number of students that we want to support to completion, as we already have a commitment to them. However, what happens right now is that there is a barrier; they are in our stats, but the barrier is stopping them from being in our four- and six-year graduation rates. Mr. Sauter's point is well taken, because if this turns out to be a high number of students, there is no way to flesh out where that n-1 will occur.

Ms. Regan stated that she still thinks we are going to have to work on the paragraph were it talks about maximum number of semesters for leave. Adding the word “consecutive” is not enough, as it was stated that there can be more than one leave. She is wondering if language is needed for special circumstances (i.e., medical issues that go on longer than two semesters). Ms. Sibley suggested that it could say, “...two consecutive semesters at a time.” Dr. Szafran shared that the word “normally” is helpful in circumstances like this – “A leave of absence is ‘normally’ granted for a maximum of two ‘consecutive’ semesters...” It was noted that exceptions can be made for special circumstances. Ms. Regan asked if the phrase “special circumstances” could still be added. Dr. VanderZee added that you want to be careful to not make it too specific or too general; it is a hard balance. Dr. Scheidt shared that currently a student's catalog year changes – a catalog year is a student's degree requirements. If you leave currently and reapply, and Gen Ed has changed, your Gen Ed degree requirements have changed. If the program requirements have changed, yours changed. He went on to say that one of the points of this policy is to hold your catalog year constant, as long as they complete within six to seven years. The only exception to this is if the program has changed or SUNY changes something. Mr. Sauter asked if that information will be included in the full text of the policy, as he likes the sound of it. He said this goes back to his previous question and keeps the contract language with the student on a timeline. He stated that previous to his question he did not understand that it was unlimited. Dr. Scheidt clarified that it was unlimited to apply for a leave of absence; it does not mean it will be granted. Ms. Bish shared that this is a rarity. It was asked how often this currently happens. Ms. Bish stated that the medical withdrawals are handled through her office, and they typically have three to four a semester, which is probably on the higher end of common. She further added that in a medical withdrawal situation they rarely see the same person twice (i.e., pregnancy, serious illness, etc.). Mr. Rich asked if it said “deviations would be dealt with accordingly,” would that work? Dr. Szafran reiterated that the use of the word “normally” in a general statement allows you to handle exceptions. Mr. Sauter stated that he was just trying to understand how often it was occurring, and if it is only happening three to four times a year, it is not an issue. Ms. Bish verified that it is not happening often, but it is just happening enough where when students come back they are jumping through hoops to get back here.

Mr. Sauter asked if the proposal was similar to SUNY Potsdam's/other SUNYs. Ms. Bish stated yes; their review involved 10 to 15 other SUNY schools.

Chairman O'Neill asked for clarification on what language was being added. The words "normally" and "consecutively" will be added.

Mr. Sauter asked about the Council being able to see the final text of the policy. He asked if they would get another look at it. Yes; Dr. Scheidt explained that they did not want to put it through Faculty Assembly for approval before it came here. It will be circulated back around. Mr. O'Neill stated that if the Council has questions about this policy; it can be tabled. Mr. Sauter said it was just a question about process – they are looking at a concept laid out in an email. He asked if it would be a multi-page policy. Ms. Bish answered no; this is essentially the policy, but it is going to go through the faculty review process and to Faculty Assembly. When it leaves them, it will come back to the Council for review. Dr. Scheidt shared that under College Council rules anything that goes into or changes the Student Handbook needs to come before the Council, but they did not want to have it go through Faculty Assembly and have it completed before the Council had a chance to ask questions/make suggestions. Ms. Regan stated that she felt it was pretty good; they just had a few concerns. Ms. Bish stated that they are legitimate concerns, and that is why it was brought before the Council.

Chairman O'Neill asked the Council if they were okay with this, and for future items, he asked them to send concerns and changes to Michaela ahead of time to get things corrected before the meeting.

Chairman O'Neill reiterated that if the Council is not okay with this it can be tabled. The Council indicated that they were okay with moving forward.

Mr. Sauter made a motion to approve the Leave of Absence Draft Policy in principle with the addition of the words "normally" and "consecutive" as noted above. The motion was seconded by Mr. Rich and approved.

### **Sexual Harassment Presentation**

Due to sexual harassment being in the news so much lately, Chairman O'Neill felt that it was important for the Council to be made aware of the campus policy on any type of sexual harassment (student/student, instructor, professor, fellow employee, etc.), so they are living up to their responsibilities and are aware of the policies to avoid what happened to the Board of Trustees at Michigan State. A presentation has been arranged for the Council on this topic. Chairman O'Neill invited Ms. Bish to present.

Ms. Bish shared a handout (see attached) with the Council on SUNY Legal's recent correspondence to the Presidents, which announced that a new policy will be coming from SUNY on sexual harassment. She stated that this will be a policy that we will be adopting, and we are navigating exactly how that will work. She noted that this policy came through after she had written her presentation, so she wanted to share it with the Council this morning. We are awaiting further information from SUNY, particularly with regard to the last bullet that cuts off. When the full policy is shared, Ms. Bish will share it with the Council. Ms. Bish stated that she will move to her presentation on Title IX: Policy and Procedures and what has happened on the campus since the beginning of the Fall semester (see attached).

Ms. Bish read what Title IX states – "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." She pointed out that Title IX itself

does not have all the language that has given us these rules and regulations on sexual harassment and sexual assault. She explained that the Dear Colleague Letter in 2011 gave us that. As many of you know, there was an updated Dear Colleague Letter in 2017 that has begun to re-energize the conversation about where colleges and universities go with sexual assault and sexual harassment. The bullet points on the third slide have been proposed, but they have not taken place yet (not yet mandates).

If it goes through, it would:

- Change the current, lower standard of preponderance of evidence to the higher standard of clear and convincing.
- Make dating/domestic violence, sexual assault, and stalking subject to Clery Act regulations.
- Mandate that interim measures be offered to both parties (reporting and responding). It was reported that we do this now.
- Allow for Schools to choose who can appeal.
- Take away the timeline. In 2011, we were told that we had 60 days from start to finish of an investigation. Ms. Bish stated that we are still operating under a 60-day timeline and will continue, as we feel it is reasonable to all parties involved.

Ms. Bish noted that as of 2011 all colleges are required to have a Title IX Coordinator and provide training to “responsible employees.” To help the group understand, she shared some important terms:

- Reporting individual: victim/survivor – person who is making the claim
- Respondent: defendant/accused – person the claim is against
- Responsible employee: at SUNY Canton, that is everyone. At some colleges, it is designated to certain groups of individuals – hall directors, professors, Title IX employees. We have designated all the employees of the College as responsible employees. This means that they are under an obligation to report sexual assault, sexual harassment, dating and domestic violence, and stalking to the Title IX Coordinator if they see it.

Mr. Sauter asked about the responsibility to report to the Title IX Coordinator. If the report is also a criminal offense, are they required to dial 911? Ms. Bish responded no. She added that they can. Ms. Bish noted that this goes back to the Council’s discussion a few years ago; she noted that she agrees with Mr. Sauter’s feeling that they should also be required to call 911, but they do not have to.

Ms. Bish continued on explaining that WeComply is an online training module that we use to train all employees annually. We also do some face-to-face training for specific groups, especially groups that are at risk – student leaders, Greeks, student athletes, residence hall staff. They are looking at doing some additional training for college employees. She noted that we have a brand new HR Director that has experience in the area of employee training.

Ms. Bish shared that the Title IX Coordinator (TIXC) is Amanda Deckert, and she is also the Coordinator of Greek Life. And, the Deputy TIXC is Farren Lobdell, and she is also the Health Educator and Wellness Coordinator for Health Services.

Ms. Bish noted that the links on slide 5 will be shared with the Council, and they are very helpful. Students, faculty, and staff can all access this. She also noted that SUNY has a website called SAVR,

which is their sexual violence website. This website helps with listing all the resources in your area, so you can report or get help. Their information is translated into about 52 different languages.

Ms. Bish went on to share the procedures and the statistics with the Council. She indicated that she broke the information down into three categories – student vs. student/non-student, employee vs. employee, and student vs. employee (or vice versa).

#### Student vs. Student/Non-student

If a student has a claim of sexual harassment or sexual assault and they come forward to a college employee or sometimes the Title IX Coordinator, University Police, or faculty member, we are required to tell them the services available and what the options are. They have the option to go through the judicial route, criminal route, or do nothing at all. When they go the judicial route, the Title IX Coordinator leads an investigation, interviews everyone related to the claim, and compiles that information to forward to the Student Conduct Officer for their review. The Student Conduct Officer determines if it goes forward to a judicial hearing, and generally, most of them do when they come forward because the hearing board is an impartial panel that can hear both sides of the issue and make a decision. Those panels are trained specifically in Title IX, a special group of people that receives training on Title IX. She went on to say that sexual assault nearly always equals expulsion. For sexual harassment, the sanctions range from warnings to educational sanctions to suspension; it all depends on what exactly happened. If the student chooses the criminal route, we help them contact law enforcement; sometimes that is Canton PD, and other times it is another police agency or our University Police. She shared if it is student vs. student and it happened on the campus it would go to University Police. In the Village, it would be Canton PD. If it is a student vs. a person in Poughkeepsie, it might be Poughkeepsie PD. The police investigate, and turn it over to the District Attorney (DA). The DA will make the decision if they want to go forward with the case. In the past, in the County, there has been a struggle with not having a DA that wants to go forward with these types of cases. However, District Attorney Pasque has been in contact with the Title IX Coordinators and has expressed that he takes this very seriously and plans to pursue as appropriate those cases that are brought to his desk. Mr. Rich asked if it was possible for the individual to contact the State Police or Sheriff's Department. The answer was yes. Ms. Bish also noted that they work with a BCI investigator through the State Police to be the campus liaison to the State Police; this is funded by a grant. The investigator comes in, and does training with students and staff, as well as setting up regional trainings between the colleges that she works with – Plattsburgh, Potsdam, North Country, SUNY Canton, and others in the North Country.

Ms. Bish shared the numbers that go along with the graphs on slide 8. There has been 1 sexual harassment case this academic year (August to current) – student vs. student/non-student. There have been 11 sexual assault cases – 7 student vs. student and 4 student vs. non-student. The sanctions for those thus far are 1 expulsion, 1 suspension, and 1 going through criminal process and not judicial. Some are still in process, and we are waiting to see how they will turn out. This semester has been busy for Title IX, and many of these have just happened in the past few weeks.

Mr. Sauter asked what the definitions of sexual assault and sexual harassment were based on – NYS penal law and the federal law that is behind the Clery Act. Or, were these new definitions that were not based in penal law? Ms. Bish stated that they are not legal definitions, so they are not based on penal law. They are definitions that were handed to us through all of the legislation that was handed down, but they are not penal law.

### Employee vs. Employee

Ms. Bish reported that employees will typically report to the TIXC, Human Resources, or their supervisor. She shared that they either want action taken by the College, or they do not. If they do want action take by the College, the TIXC leads an investigation, interviews anyone that they wish to interview, compiles that information, and turns it over to the Director of Human Resources. The Director of Human Resources would review the packet, and determine if it was actionable. If it is, generally, it would result in one of these: counseling memo, disciplinary action up to termination, or no action taken. Ms. Bish shared that this is not her area of expertise, as she does not get involved past the TIXC's role; however, she is happy to try to answer questions.

Ms. Bish went on to share the breakdown for the graphs on slide 10. For this academic year in the harassment or sex discrimination category, they have had three reports. Out of those three, there is one still in process and two that have had no formal sanctions taken. Mr. Sauter mentioned that there was not a category for sexual assault like there was in the student one. Ms. Bish replied that that is only because there were no reports this year. Mr. Sauter asked what the treatment was for that if it was to happen; is it the same as the student one, or because it is dealing with employees, does it automatically go to law enforcement? Ms. Bish stated that it is the same as the student; it is the employee's choice if it is reported to law enforcement or not. She stated that she does not believe there has been one in the last 16 years, at least not one that she is aware of; it is a rarity, but it is their choice.

### Student vs. Employee (or Employee vs. Student)

Ms. Bish shared that generally students report to the TIXC, UP, etc. If it were an employee vs. student, they would report to HR, the TIXC, supervisor, etc. The initial process would follow the same one as listed above – the TIXC launches investigation; depending on who the respondent is, the compiled information would either be turned over to the Student Conduct Officer or the Director of Human Resources. If the employee is the respondent, the actions are similar to what is outlined in employee vs. employee. And, if the student is the respondent, the actions are similar to what is outlined in student vs. student.

Ms. Bish shared that for this academic year there have been nine employee vs. student sexual harassment complaints and one stalking complaint. Ms. Bish explained that each individual case is counted by reporting individual, so there could be multiple people making a complaint against the same person. They are all counted as individual reports. Outcomes so far include one counseling memo (with three reports attached to this one case), one termination/resignation (with four reports made against them), and one is in process.

Mr. O'Neill mentioned that under the State Education Law the Council is responsible for the student conduct and safety. Due to this, he asked if the Council should be made aware of each of these complaints. Dr. VanderZee asked if he meant for the Council to just be made aware that a situation occurred or in more detail. Mr. O'Neill stated that maybe it should be with a little more detail. He clarified what he meant – If we have an employee and four students file a complaint against them, he feels the Council should definitely know about that. Mr. Rich pointed out that if they choose to go to the State Police or other agency it is going to hit the media. He stated that the Council would like to know before it hits the media. Dr. VanderZee stated that that is something that we normally do when there is a negative situation that could potentially hit the media; the President calls Ron O'Neill. Dr. Szafran noted to Ron that in these cases reported on above he did call him. Chairman O'Neill stated that he did,



but he did not let anyone else on the Council know, as he was not aware if he should have. Dr. Szafran further noted that that is the tricky part, because until the case is adjudicated, we want to protect the rights of both parties. He went on to say that there is a federal law that is probably heading our way, or at least being discussed, that would make the president of the college personally responsible for knowing exactly what is going on and insuring that the procedures are followed and so forth. This is worrisome, as you cannot always know everything. However, we are very careful to have Dr. Szafran informed, and he does ask questions. He also reports to Ron on anything that he thinks rises to the occasion of possibly showing up in the press. Dr. VanderZee added that this is a very confidential process, and even though she is a management confidential, executive-level employee, she does not know all of these cases. She stated that she would need to look more closely at the Education Law and Title IX to see how they match up in terms of what we can share above and beyond “an incident occurred with individuals on campus and it might hit the media.” Dr. Szafran further shared that part of the problem is the way the law is written. When the person who is the victim has the right of doing nothing, doing it through an on-campus process, doing it through an off-campus process, or both the second and third thing together, there are different amounts that we would know depending on the path they choose. If they did nothing, we might not know much. If they chose the legal process, we might know a little bit, but it is confidential within that process until information is released to the public. It is only if they follow the on-campus process that we would know everything there is to know. Mr. Sauter stated that he felt that cuts right to the heart of Ron’s point. He agrees with Joe’s point about public relations, but he feels it goes beyond that to include the litigation piece. What did the College know? Who is in charge of the College? Who is responsible? Mr. Sauter does not want to face what Penn State did and have it balled up into one big lawsuit, with their College Council members being sued individually along with the college. He remarked that his assumption was that SUNY would defend them, but it would be a long and ugly process that none of them want to go through. He stated that he respects privacy rights and does not want to form an opinion before adjudication has happened, but he feels that if the campus is investigating a complaint against an employee, particularly where there are multiple complaints against an employee, the Council needs to know about it. Ms. Bish interjected some information regarding the investigation process; she shared that we have an employee vs. employee case that is going on right now – employee came forward and made a Title IX complaint about sex discrimination. Ms. Bish shared that even if the employee comes back and wants it to happen or not; the campus is investigating from the start if we believe it. She noted that investigation for us means that we almost always investigate every complaint, but it is a very tight process with only a few people. She stated that she agrees with Mr. Sauter, but she does not know if the point of investigation is the right place to notify the Council, as they often investigate things that they are almost sure are not going to amount to anything. However, they have an obligation to fact find to be sure that they are right in their assumption. Both Ms. Bish and Mr. Sauter agreed that that might not be the place to notify the Council, but notification does need to be determined. Mr. Sauter added that if a case goes to the off-campus process it would give the Council coverage; however, if it is being handled in house, notification needs to happen to cover the Council. Ms. Bish stated that looking at FERPA and Title IX policies should give them the answer needed for when to notify the Council. Dr. Szafran added that this situation covers a very broad range of sins. For example, in the ones that have happened this year involving employees, none of them involved touching or beyond that; it was all verbal – no assault, physical abuse, sexual activity, or anything like that of any kind. The ones that have happened are on the small end of the scale; however, even small issues can be very serious. We take all complaints very seriously, because even at that end of the scale, it can result in termination. Dr. Burke expressed that she is concerned about what is going to cover them. She understands that if it goes through law enforcement there is a



cover; however, today's issues do not always fall under that. She feels that they need to become very proactive today to cover themselves, because it is reality. Privacy is important, but liability is becoming more a part of the world we live in. Dr. Szafran reiterated that as a matter of routine he calls Ron on these things, and if this body would like, he stated that he thought Ron would be more than happy to share the information. Mr. O'Neill stated he just did not know what to do in this situation. Dr. Burke stated that sharing is good too, but she feels that much of the coverage is knowing the back piece. Dr. VanderZee added that much of that is the process; she stated that if we are conducting the process following State and Federal laws that should cover the College Council. Ms. Miller pointed out that as far as litigation she believes the Council is covered under the Public Officers Law – Council members are a non-remunerative employee of the State of New York. Dr. VanderZee noted that there is some fiduciary laws that could hold some members responsible. She made a suggestion to have a small group of folks look at those laws to see what the Council needs to know and when, to cover them from any legal liability, and make sure that we are doing the process correctly. She is happy to be a part of this if it is okay with Dr. Szafran and the Council. Dr. Szafran stated that he supports this as well, because there is a federal law coming our way that would put him in their category also. A discussion was had about why this new legislation was coming out – Penn State cases and Michigan State cases. It was felt that people knew and did not do anything about it, and it was also mentioned that there are a lot of pressures surrounding NCAA and D1 schools. Ms. Bish shared that it is not the same for D3 schools, and we do not elevate our student-athletes to that high level. It was also shared that one of the numbers given in the presentation was a student-athlete who would have been a captain of a sports team; they were expelled from college because of a sexual assault situation. Ms. Bish stated that we take this very seriously, and she feels it best to discuss the course of action moving forward to help the Council understand their role and safeguard against litigation.

Ms. Bish offered some general information on the employee that had multiple reports (4) against them. The day that they received the reports the employee was removed from campus, put on leave, and given an alternate assignment. The investigation was wrapped up within about a week, give or take; we moved very quickly on this. It was taken very seriously as it was verbal sexual harassment towards students. This did not rise to the level of what you might think of when you think sexual assault or something else, but it was felt to be so significant that they did not spend a minute thinking about what the right thing to do was, which is not having this person on campus interacting with our students and putting more of them at risk.

Ms. Regan asked if faculty are considered employees, and the answer was yes. She followed up by asking about Union intervention. Ms. Bish stated that the Union is usually involved from the beginning, and we are lucky that we have a great relationship with the Union leaders, which she feels has made a great difference. In the case mentioned above, the second phone call that they had was with HR and then the Union. They discussed what they would support, and the Union was in favor of what we needed to do. The Union also sat in with the employee during the Title IX investigation and the HR investigation (common process for this type of case). Ms. Bish expressed that the Union plays a critical role in what we do with employees – faculty and staff. Dr. Szafran emphasized how great our relationship is with the Union; he shared that when issues of this type arise or issues with people not doing their jobs arise the Union knows we are not being capricious when we go after these things. We only do so when we have solid evidence, and people have been given chances to fix it if it is a fixable thing. As a result, there has not been a case where the Union did not support it. Ms. Regan noted that it has not always been that way. Dr. Szafran added that it is not that way on many campuses, but he is

very proud that we have that kind of relationship with the Union. They know we will always try to do the right thing.

Dr. Burke revisited the idea of having a committee to review the laws as it pertains to the Council; she stated that she would like that to happen, as she feels it would put the Council more to where they need to be at this point with things changing so rapidly. Ms. Bish agrees that it would be good to have the Council more involved. Dr. VanderZee stated that she is happy to be a part of that if the President agreed. She also shared that in the case of the employee with four complaints there was one complaint and then three others came forward right after, so this was not something that was spread out over time. It was not a failure to act or several things leading up to it; it was an empowerment situation. Ms. Bish further shared that the first complaint was at about 9 a.m., and the other three came in at about 4:15 p.m. This was after they had already moved the employee off the campus from the first complaint. She also shared that her meeting with the subsequent reports started out with them being understandably upset and not happy with the College until she let them know that the person had already been removed from the campus. She also told them to let her know if they saw the person on campus.

Dr. Szafran summarized the discussion. He stated that he is hearing that the Council wants more information on how the members of the Council are indemnified via the State (and how Presidents are too) and that the Council wants to be more informed about these cases. Dr. Szafran asked for more clarification on the latter – does the Council want to be informed as they happen, at the subsequent meeting, or in the same manner as it happens now (Dr. Szafran calls Ron.)? Chairman O'Neill stated that it can be left as it is now, and he will let the other Council Members know when Dr. Szafran calls him. He further stated that there has only been one time where it was sexual harassment, and he did not pass on to the others as he did not know if he should since it was verbal. The Council was asked if they were okay with that, and they agreed. Mr. Rich clarified his comments from before and said that it was not really about the PR aspect, however that is important, but more to hear the President say he would be in touch with Ron. Dr. Szafran has expressed just that, and Mr. Rich felt that it has been taken care of adequately. Mr. Rich also added that the Office of Mental Retardation and Developmental Disabilities has 40,000 employees, and he happens to be on the Commissioner's Council. He shared that the Commissioner was actually named in every lawsuit around the State, but it was almost a matter of routine; even though your name might be mentioned, it might be a situation where it is expected. Ms. Bish noted that is why they update Dr. Szafran on everything. To Mr. Rich's point above regarding namings being routine in lawsuits, Dr. Szafran shared a similar previous situation that happened to him down in Georgia; he was trying to help a student retake a final exam and was still named. Ms. Bish stated that that raises a good point, and she added that any time a Title IX investigation is going to begin on the campus the respondent (the accused person) gets a letter in writing from the College telling them what they are accused of, by whom, and what the possible outcomes might be; they get this right up front.

Dr. Burke stated that she likes the idea that the complaints are shared with the President and then will be shared with Ron and subsequently the Council, but she wanted to get back to the discussion of the liability piece. She does not feel comfortable with her knowledge of all of this and feels that she needs to have more information/training. Ms. Zeitzmann interjected that she believes that was the point of the committee that Lenore suggested. Dr. VanderZee confirmed that that was correct, and Dr. Burke asked when this could be started. Dr. Szafran asked Dr. VanderZee if she could have a report prepared in terms of what they find by the next meeting; Dr. VanderZee replied absolutely.

Dr. Szafran added one last point about the email from SUNY. Assuming that the unfinished bullet does not change anything before it, the information provided shows that they are trying to change State guidelines on what a campus policy should contain with respect to sexual harassment and consensual relationships. He stated that we are going to have to draft a policy and are aware that there are several things lacking that will be included in the final draft. Dr. Szafran stated that we will be making a draft of this and running it by the College Council. He indicated that we would follow the same process as the leave of absence policy, but it was clarified that this would go before Faculty Assembly for their information, not approval. Dr. VanderZee added that SUNY is trying to set a minimum, and campuses can add to these policies and be more stringent. Dr. Szafran felt it was important to share this with the Council since it was being talked about today; he wanted to share what SUNY was doing and what the broad outline would be.

Mr. Sauter stated that he had one last question; he is really concerned about responsible parties (every employee) seeing a criminal act and not having a duty of care to this College to report to law enforcement. Ms. Bish stated that there might be a nuance to that. Mr. Sauter stated that nuances are what lawyers thrive on, and Ms. Bish agreed and gave an example. If someone stumbles onto a sexual assault, they are likely not reporting that to the TIXC; they are likely picking up the phone and contacting University Police. That is different than someone saying, "I want to tell you a student came to my office and told me they were sexually assaulted over the weekend." That is generally the sort of thing that happens. They will normally go to their faculty member, their coach, their hall director and say they were sexually assaulted – 10 years ago, yesterday, 15 minutes ago – in the res halls. If they walk up on the campus and see someone being sexually assaulted, the expectation is for them to call University Police. Mr. Sauter stated that those are obvious, but we have a policy that is so focused on Title IX and the process that it does not explicitly say the obvious – "If a responsible party on campus sees a criminal action underway, they are required to dial 911." Mr. Sauter asked if we could say that. Ms. Bish felt that there is a policy that says that. Mr. Sauter asked for that to be figured out, as that is a liability issue; he feels that clarity is needed on that. Ms. Bish agreed and will get an answer. She added that she would be deeply concerned if someone saw a sexual assault in progress and called the TIXC. She stated that Mr. Sauter's point is valid. Mr. O'Neill added that he thinks it is a problem nationwide on all campuses. Ms. Bish stated that she agrees with Tom, and we control our own policies. She continued by saying, as mentioned before, the SUNY policy is the minimum that we are required to do. There are things that we can do beyond that. She acknowledged that the need to immediately report an emergency situation (a crime in progress) to the University Police is not articulated well. Ms. Bish added that there is no time to ask the victim how they want this handled and what help they want from us, as is the normal process. She would like to think that common sense would kick in; however, Mr. Sauter is correct – a loop hole is a loop hole. Dr. Burke added that usually you do not get in trouble for doing too much; you get in trouble for doing too little. Dr. Szafran stated that he has no problem with including this in our policy, as it is common sense, but if you look, the cases that have come up that are so troubling do not fall into this category. They all fall into the category of somebody reported something and nobody did anything about it. Mr. Sauter stated that if you look at the two biggest offenders – Penn State and Michigan State – they essentially followed the Title IX process. He stated that they reported internally. Ms. Bish disagreed slightly, as that was not the case at Penn State; it did happen that way at Michigan State. Mr. Sauter argued against that and stated that they did report internally and it died. Dr. Szafran stated that that is the problem, because people did not follow the proper procedures with regard to Title IX at the university itself; it was not while the act was occurring itself. Mr. Sauter replied in agreement, but he stated that sexual assaults were committed, and it was not

reported to law enforcement. He stated that had it been it would have blown the issues up immediately. Ms. Bish agreed, and she feels the expectation of the College is for people to report any violent acts that they see to University Police immediately. She added that we teach Green Dot Bystander Intervention on the campus, and we tell people that when you see something say something. We do all of those things, but she agrees that the Council is right – if it is not written in a policy, it should be. Dr. Szafran added that our Green Dot Training goes farther than that by saying that if you can intervene without bringing harm to yourself it calls on you to do that. You should definitely call the police, and intervene if you can to protect the person. He stated that we are absolutely with that, and he stated that the biggest problem is that people do not report until someone else does, which is the case throughout the country. It was noted that it would be better if people would report immediately; it might make it so that other issues would not happen. We are trying to make this the process on our campus; we want people to report. People will be treated fairly, both the accused and the victim; we will investigate and do what is right. We will not say what is best for the College or our reputation; we will not see how best to keep this out of the news. We do not go there at all. We say, “What is the right thing to do?” Then, we do it. We want people to report immediately. Mr. Rich asked if there is a number to call at any hour. Yes. Dr. Szafran stated that as a failsafe every student has his number and can call him directly; he indicated that he will step in on either side. He explained that there was one where the accused felt that they were being treated unfairly, so he did step in. Dr. Szafran consulted SUNY Legal as he felt he had a moral and professional obligation to that person to hear their side. It turns out that there was no mistreatment.

### ***Old Business***

There was no Old Business.

### ***Chairman’s Report***

Chairman O’Neill reported that the ACT Board has decided to have quarterly conference calls. He shared that they had one a month or so ago, and Chairman McCall was on this call. They covered items about the budget and goals for 2018 – strengthening the Council Boards, training of new College Council members, and creating a Citizen Council for the College Council. The latter would be a recruiting tool for future College Council members; this item did not go very far. He also reported that the Chancellor has changed the way the Board of Trustees operates their meetings compared to Chancellor Zimpher. Chancellor Johnson is encouraging College Council members to attend the Board meetings. Chairman O’Neill does not know the protocol for that. He shared that they are also trying to advocate to have a College Council member become a member of the SUNY Board of Trustees. He reported that they also talked about advocacy to contact the local legislators about concerns that the Council has on funding and the budget. They will be having quarterly calls and will see how this goes.

Mr. O’Neill shared that he feels ACT has served its time already; he shared that they used to go to SUNY Day and visit the elected officials, and it really felt like they were accomplishing something. It allowed them to let the locally elected officials know how they felt about the importance of education; however, it got to where ACT was scheduling the meetings with legislators on travel days, and it was a waste of money.

### ***President's Report***

Dr. Szafran gave a brief report and called on others to add details where needed.

Dr. Szafran reported that numbers are looking good for next fall, with a huge rise in applications for our Game Design program, which has about 230 applications at this point. This will compensate for decreases that are going to occur due to our Dental Hygiene program being on hiatus and potential drops in EOP numbers because of State budget cuts. They are funding fewer EOP students, so presumably there will be fewer of them.

With regard to this year's budget, Shawn has just run the numbers, and Dr. Szafran asked her to provide the headlines to the Council. Ms. Miller reported that we hit our target and exceeded it by \$311,000, which was about 1% of our \$19M budget. She shared that she was pretty happy with that. She further stated that we exceeded last year's revenue from Census Date by \$136,000. She also reported that enrollment was down. The only thing that made the difference was the tuition increase, so on roughly 2,300 students at a \$200 increase, we made \$460,000. We might not have hit our target if it was not for the tuition increase. She stated that we are okay and have reserves to pick up the slack, but things are very tight.

Ms. Miller also reported that the CSEA contract has settled, and the amount on that is \$162,000. UUP has not settled, but Ms. Miller is expecting close to half a million dollars, unless the money in the Governor's budget for Maintenance of Effort (proposed by the House and the Senate) is approved. She reiterated that things are very, very tight, and we are being very conservative. Dr. Szafran added that unfortunately it is likely that the Governor will veto the Maintenance of Effort, as it has been done twice before. He noted that this time the proposal is coming with harder numbers attached to it. It was further stated that there are a number of campuses in the red in SUNY; we are not among them.

Dr. Szafran went on to report that in the Chancellor's "State of the University" address, she talked about four main themes. Dr. Szafran stated that he was pleased to report that SUNY Canton is ahead of the curve on all four of these.

- The first theme was the need for an individualized education path for all students, and as you are aware from our last meeting, we are working on a Personalized Pathways initiative for SUNY Canton as we speak. There are nine sub-committees, which have lots of faculty, staff, and students on them.
- The second theme was increasing research innovation, outreach, and entrepreneurship. Again, you are aware that we are working on an Entrepreneurship Accelerator here at SUNY Canton that will allow our students to transform their ideas into prototypes and ultimately full businesses. You may have seen articles in the Watertown newspaper about our looking at the Jubilee Plaza as a possible site for the Accelerator, and we are pursuing a cautious, step-by-step process. The Town and the Village are fully aware of this, and we are working with them on grant opportunities. He went on to share that we will have Chancellor Snider from Penn State New Kensington visiting our campus on March 26, who has done something similar. He will be visiting us to exchange ideas.
- The third theme is increasing use of renewable energy and sustainability in the system (including wanting to move toward zero-net carbon). He stated that we have been working at lowering our

energy use on campus for the past few years and have made some significant progress. We have also written an energy efficiency grant to National Grid for the Dana Hall renovation, and we have just made an application in the new geothermal initiative.

- The final theme is increasing partnerships and philanthropy. We are currently looking at several new partnerships. One is with Cayuga Community College to get back to Dental Hygiene, which we are hoping to be able to host on their campus. We have asked for a \$4.5M earmark for the buildout and equipping of the Fulton site.

Dr. Szafran turned to Anne for information on increasing philanthropy through the Advancement Office. She reported that they are having a very good year; at this point, they have reached 92% of their fundraising goal. She shared that there are eight new scholarship endowments. They also have a target of 1,968 new donors this year, and they are already at 1,211. However, she does realize that they still have that 40% to go to reach the target. Part of that is due to faculty/staff being so generous; there is a 51% participation rate in giving this year from fulltime faculty and staff, compared to 44% last year. She reported that people are very helpful with events and bringing people in to help reach these goals. Dr. Szafran added that 44% is a phenomenal support rate, and 51% is even more phenomenal.

Dr. Szafran further shared that we just had a very nice naming ceremony for the Margaret D. Sovie School of Nursing, which was approved by the Council a couple of meetings ago. The issues regarding this have been cleared up, and the money has been received.

Dr. Szafran reported that we have made some strong progress with regard to safety on campus, as safety has been an issue at college campuses and elsewhere. He asked Shawn to provide some details. Ms. Miller shared that the faculty brought up concerns after our Yik-Yak incident regarding the fact that they could not lock classroom doors from the inside, so we started looking at possible alternatives for the door handles. They have found what they call a dormitory lock that has a button on the inside that can be locked, but when you go out, the door unlocks unless someone is on the inside to lock it again. This helps to combat students locking the door and walking away to get class cancelled. They are working on this project and have put a contractor's bid in to take care of those. She reported that she thinks they are going to be able to be taken care of through minor rehab and repair funds, which the Provost manages. She added that we are always looking for the best ways to protect everyone on the campus. Ms. Miller also reported that the exterior locks are on all the buildings, except Dana Hall and Chaney, as they are under renovations. This means that University Police can shut them down electronically with a click of a button, so if an incident happened, we could shut down.

Dr. Szafran added that we have also had several presentations by our Chief of Police, Al Mulkin, on "Citizen Response to Active Shooter," which have been well attended. He further stated that we are taking these things very seriously and making our campus as safe as possible.

Dr. Szafran shared that our e-Sports effort is going very well; it is off to a great start. He noted that we have also had several other athletic successes, and he asked Courtney to provide some details. Ms. Bish shared that e-Sports attended a championship round at an ECAC basketball game in Albany. They played two teams; they lost one and won one. She noted that athletics is underway and encouraged the Council to check out the website. It was noted that the Women's Ice Hockey team made it into the

playoffs; they made it to the second round before being defeated. Also, both men and women Lacrosse is off to a strong start.

Dr. Szafran offered that in Academic Affairs we remain focused on creating new degree programs, retention, and showcasing our student's achievements. He asked Doug to provide some details. Dr. Scheidt shared information about programs that are still in the pipeline:

#### At State Ed

- Mechatronics (550 days running, but are told it will be out this month)

#### On Campus

- Expansion of our Industrial Technology Management\* program to move that online and to have a Logistics track (received a \$190,000 grant towards moving this forward).
- Development of a new program – Sustainable Construction Management\* Associate's Degree – that would be online (received a \$170,000 grant to do that).

\*These programs are being written.

- Move certificates in Electrical Trades and HVAC to associate degrees (being developed on campus).

Dr. Scheidt reported that we are ahead of schedule with regard to moving retention and graduation rates forward towards our 2020 goals, which means more of the students here are on track to graduation than had been under our previous rates.

Dr. Szafran added that we are going to be having a showcase for our students' academic achievements coming up April 16-20. Dr. Scheidt added that for Scholarly Activities Day they have enhanced funding for that, as it is the most important Academic Affairs activity of the year. Dr. VanderZee added that she and Nikki sit on that Committee, and it is growing every year. There are lots of students interested in presenting posters during the poster session, and there are students and faculty interested in presenting at the oral sessions. It has been a really powerful way to give students confidence in what they are doing and to showcase the research to other faculty and the community. The Council was informed that the next meeting was on April 17, which is the day that the poster presentations happen. The members were encouraged to stay for those presentations after the meeting. There was a suggestion to host the next meeting in the Library; Michaela will check on the availability of the classroom.

Dr. Szafran noted that we have enjoyed a lot of good press lately and are extensively involved in the wider community. He invited Lenore and Travis to say a few words. Mr. Smith shared that e-Sports is really taking off – a mention and a full article in ESPN (which has never happened before), appeared in the Sports Business Journal (highly sought after by other colleges). He noted that the competition that we attended in Albany was fantastic; we are right on the cutting edge of e-Sports and Game Design. Mr. Smith shared that we received some nice press from Channel 7 on our Military Fee Waiver, thanks to Admissions and the Foundation. And, lastly, with the Police Academy, there was a whole piece on de-escalation techniques.

Dr. VanderZee shared that the PR Team made a very funny video about Roody for SUNY's Annual Mascot Madness Competition. She encouraged everyone to view it on YouTube. Many people in the community also commented on it, which gets our name out there. She announced that she was recently



nominated for the Canton Chamber Board, and that should be finalized in April. She also serves on the St. Lawrence County Chamber Board, as well as the Chair of the Canton Economic Development Steering Committee, so the College's goal of being "The College" for economic development in the community and the region is being fulfilled. There is an active presence on these boards.

She also shared that we are working with our legislators on several priorities. She noted that it is nice to see Maintenance of Effort funds covering negotiated salary increases in both the Assembly and the Senate packages; this would make a huge difference in our bottom line if they passed. In terms of our capital priorities, we are seeking funding to complete the Dana Hall project (the interior). The exterior is underway and going quite well. We are also working on funding to build out the Dental Hygiene program, as was mentioned earlier. It was noted that it is not a program we make money on; however, it is a really important program in Northern New York. It is the only Dental Hygiene program north of the thruway. It is a huge service to the region, and we want to keep that going. She also shared that we are planting the seeds for a new building for Nevaldine in order to house our very popular new programs and create better and more laboratory space for students and faculty research. She mentioned that if the Council wants any more details please let her know. Also, if anyone would like to be involved in the advocacy efforts – travel with Dr. Szafran and Lenore to meetings in Albany or locally or schedule visits on your own – they are more than welcome to, and she is happy to provide them with the information that they have been speaking with them about.

Dr. Szafran turned the report over to Nikki for a brief report on the students. Ms. Zeitzmann shared that the student population has been very good this year. For the Student Government Board, they do have some new officers – Budget Director, Braydon White and Secretary, Danika Ingram. She reported that it has been a slow semester for them getting started as an almost brand new board, but they are doing very well. She hopes to see them run again for next year as some of the others will be graduating in May. Ms. Zeitzmann shared that Spring Fest is coming up, and an email with more information will be sent out soon. Student participation has been rough this year, as far as getting students motivated and to events. Those that do show up have been consistent and active; they are looking to them to be the student leaders in the future. She further reported that they have been working on transitioning from everything paper to being all electronic – Roo Life – and thanked RJ Mattimore and Courtney for helping with this. Roo Life is a networking platform where events and information can be posted. Ms. Zeitzmann also shared that students have been coming to them with concerns about renovations to Chaney; she stated that now that the process has been worked through, they are handling it better. They are well aware of the upcoming switch from Chaney to Dana in the future. Dr. Szafran added that we have enjoyed an unusually great relationship with SGA, as other campuses do not have it as good.

Chairman O'Neill announced that the Council will be moving into Executive Session and asked that just the Council Members remain.

Mr. Sauter made a motion to move into Executive Session. The motion was seconded by Dr. Burke and approved at 10:35 a.m.

### ***Regular Session Resumed***

Mr. Sauter made a motion to move out of Executive Session. The motion was seconded by Ms. Zeitzmann and approved at 11:03 a.m.

The Council approved the Committees' recommendations for the Excellence in College Service Award and the Employee Recognition Award. They declined the nominations for the Distinguished Faculty Award due to one being insufficient and one being late. The Council approved the Distinguished Citizen nomination as a consensus of opinion.

Mr. Sauter handed his resignation letter to Chairman O'Neill, effective immediately. A discussion happened regarding when/if the Council would accept the letter. It was noted that Mr. Sauter should stay – he is an alumni and the only one on the board, he attends all the meetings, his input is valuable. Mr. Sauter shared that this is his third term, and he has filled an entire term in an expired seat. Chairman O'Neill stated that he understood, but he noted that Mr. Sauter was still a member. Chairman O'Neill and the other members asked him to take his letter back. Mr. Sauter agreed to give the Council one more meeting. Dr. Burke stated that she really appreciates him as he "keeps their feet to the fire." Chairman O'Neill told Mr. Sauter to think about it through graduation. A discussion happened regarding filling of expired terms and how there has been no movement on them. It was noted that SUNY has asked for a listing of Council Members and their terms, which has been provided, but there have been no appointments/reappointments. It was also noted that it is not just SUNY; it is every board statewide that require appointments. Chairman O'Neill strongly encouraged Mr. Sauter to think about this until well after graduation. Mr. Sauter did take the letter back.

### ***Adjournment***

Ms. Regan made a motion to adjourn. The motion was seconded by Mr. Sauter and approved at 11:07 a.m.

Respectfully submitted,

Michaela Young  
Secretary to the College Council

## **SUNY Resolution on Sexual Harassment and Consensual Relationships**

Resolved that all State-operated campuses and community colleges shall adopt the uniform Sexual Harassment Policy Statement attached to this Resolution to notify victims of SUNY's no tolerance policy for illegal behavior, local, and/or State entities or appropriate campus officials to ensure proper investigation and discipline in accordance with each campus's policies and process; and, be it further

Resolved that SUNY's Sexual Harassment Policy Statement shall be widely publicized to all students, faculty and staff subsequent to its adoption; and, be it further

Resolved that on or before July 1, 2018 all SUNY campuses shall widely disseminate to their campus communities a consensual relationship policy which will:

- Apply to all faculty and staff engaged in relationships with students or other campus faculty or staff where there is an actual or perceived power imbalance because of supervisory roles of participants in the relationship;
- Prohibit consensual relationships between faculty and students where there is a direct supervisory relationship, or where the student's course of study requires the academic or professional supervision of the faculty member;
- Require for faculty relationships where there is a direct supervisory relationship that the faculty member in the supervisory role inform his or her divisional supervisors and the Director of Human Resources or equivalent of such relationship so that alternative supervision can be arranged;
- Require that for relationships in the campus workforce there be alternative supervisory roles to ensure that supervisors in a consensual relationship with an employee 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;
- Make allowances for pre-existing relationships or marriages provided that reporting of the relationship and alternative supervisory relationships be established; and
- Require that discipline be imposed for any individual failing to follow the terms of the policy, up to and including termination; and, be it further



# TITLE IX: *Policy & Procedures*

COURTNEY BATTISTA BISH

VICE PRESIDENT FOR STUDENT AFFAIRS & DEAN OF STUDENTS

## Title IX (1972)

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

## Title IX in Higher Education

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- Dear Colleague Letter, 2011
- Updated Dear Colleague Letter, 2017
  - Preponderance of evidence (current; lower) vs. clear and convincing (higher)
  - Dating/domestic violence, sexual assault, stalking- subject to Clery Act regulations
  - Interim measures must be offered to both parties (reporting and responding)
  - Schools can choose who can appeal
  - No timeline (prior: 60 days)

All colleges are required to have a Title IX Coordinator and provide training to "responsible employees"

## SUNY Canton

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- Important terms:
  - Reporting individual: "victim"/"survivor"...the person who is making the claim
  - Respondent: "defendant" / "suspect" ... the person the claim is against
  - Responsible employee: at SUNY Canton, that is everyone
- WeComply online training module- all employees annually
- Face-to-face training for special groups (student leaders, Greeks, student-athletes, FYEP classes, residence halls, etc.)- Working to enhance this for college employees
- Title IX Coordinator(s):
  - TIXC: Amanda Deckert
  - Deputy TIXC: Farren Lobdell

## Campus Resources

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**Website:**

<http://www.canton.edu/titleix/>

**Self Care Book:**

[http://www.canton.edu/titleix/pdf/Safety\\_Care\\_Book\\_2018.pdf](http://www.canton.edu/titleix/pdf/Safety_Care_Book_2018.pdf)

**Title IX Services:**

<http://www.canton.edu/forms/TitleIX-Services.pdf>

**SUNY:** <https://www.suny.edu/violence-response/>



Title IX Procedures & Statistics (2017-2018)



## Student v. Student / Non-Student

### Step 1

#### Student Reports to College Employee

- College is required to notify student of services available to them and their rights re: judicial and criminal action. Student can report to any employee, but employee is required to ensure it's reported to TIXC
- Not listed below, but students also can choose not to take any action (judicial or criminal) and/or just receive services

### Step 2

#### Student Chooses Judicial Route (in cases where respondent is student)

- TIXC leads an investigation, compiles information, and turns over to Student Conduct Office
- Student Conduct Office pursues judicial action as appropriate
  - Sexual assault nearly always = expulsion; sexual harassment ranges from written warning to educational sanctions to suspension

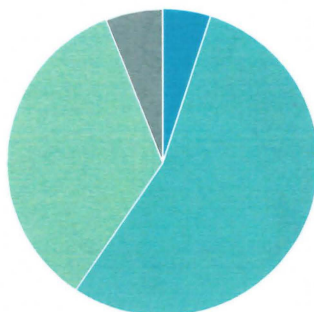
### Step 3

#### Student Chooses Criminal Route

- TIXC aids the reporting individual in reaching out to appropriate police agency and assists them as requested.
- Police investigate and turns over to District Attorney for review to determine if proceeding to grand jury for indictment

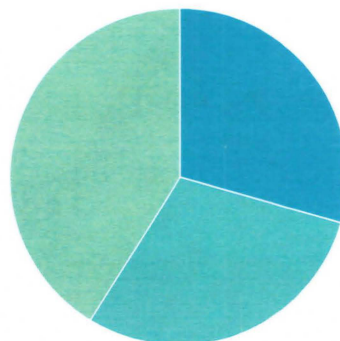
## 2017-2018 Student v. Student/Non-Student (as of 3/12/18)

Reports



■ Harassment ■ Assault ■ DV ■ Stalking

Sanctions



■ Suspension ■ Expulsion ■ Other ■



## Employee v. Employee

### Step 1

#### Employee Reports Sexual Harassment

- Employee reports to TIXC, Human Resources, or supervisor typically
- If reported anywhere other than TIXC, it's turned over to TIXC to review rights/services with employee

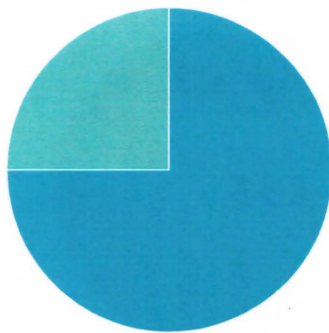
### Step 2

#### Employee Wants Action Taken by the College

- TIXC leads investigation and compiles information
- TIXC shares packet of information with Director of Human Resources for her review/action as appropriate
  - Counseling memo, disciplinary action up to termination, or no action taken

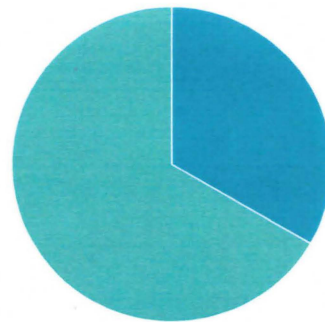
## 2017-2018 Employee v. Employee (as of 3/12/18)

Reports



■ Harassment ■ Discrimination ■

Sanctions



■ Termination/Resignation ■ Counseling Memo/Warning ■

## Student v. Employee (or Employee v. Student)

### Step 1 Incident is Reported

- Generally, students report to staff (TIXC, UPD, etc.) and/or employee would report to HR, TIXC, or supervisor

### Step 2 Action

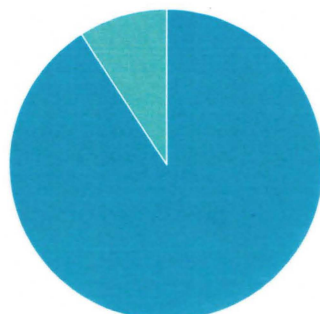
- TIXC would launch investigation and depending on who the respondent is, would either turn over to Student Conduct (student respondent) or Human Resources (employee respondent)

### Step 3 Outcome

- If employee is respondent, the actions taken are similar to those outlined in employee v employee
- If student is respondent, the actions taken are similar to those outlined in student v student

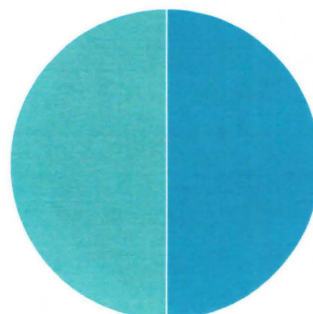
## 2017-2018 Student v. Employee (as of 3/12/18)

Report



■ Harassment ■ Stalking

Sanctions



■ Termination/Resignation ■ Counseling Memo/Warning

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Questions/Comments?