



Erie County Community  
College of Pennsylvania

# College Policies

# Erie County Community College of Pennsylvania

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## **Policy Manual**

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## **Erie County Community College Policy Manual**

The following policies have been established for governance of Erie County Community College. Consistent with best practices:

1. It is the intent to review all policies at least once in every five-year period.
2. Policies which only replicate and reiterate State and Federal Laws are not included in this manual; however, ECCC intends to comply with all such laws which apply.

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**POLICY DESCRIPTIONS:**

**SECTION 1: Board of Trustees**

**Subsection A: Rules & Regulations of the Board**

**Policy I.A.1: Duties of the Board of Trustees**

The duties of the Erie County Community College Board of Trustees include the following:

- Advance the College’s mission, values and reputation.
- Ensure education is the primary purpose of the College.
- Ensure appropriate autonomy of the College.
- Ensure that the College serves the public interest.
- Recruit, appoint, compensate, and evaluate the President.
- Exercise oversight of the College including policy development, budget planning, and strategic planning.
- Act upon the recommendations of the President on all matters pertaining to the welfare or operation of the College.
- Review and approve the College budget.
- Review and approve tuition and fees.
- Approve, holding, leasing, renting, selling, purchasing and development of property.
- Monitor College progress on goals.
- Review and adopt Board policies.
- Approve contracts except as such authority may be delegated to the President.
- Accept and receive gifts and grants.
- Conduct periodic evaluation of the Board’s performance.
- Exercise such other powers and duties as may be required by law and are not delegated to the President.
- Avoid or disclose conflicts of interest and uphold ethical standards.
- Maintain the confidentiality of board matters.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

**Policy I.A.2: Policy Development and Review**

The policies of Erie County Community College will reflect the College’s mission and values, identify the expectations of individuals and academic and administrative units, mitigate risk, enhance efficiency, and support compliance with laws and regulations.

Policies that pertain to Rules and Regulations of the Board and Compliance Policies must be approved by the Board of Trustees. College-wide policies must be approved by the President.

Erie County Community College policies should be reviewed by the College’s legal counsel to ensure compliance with laws and regulations.

Policies must be reviewed within a five-year period and either reaffirmed, revised or eliminated. Policies must be made available.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

### **Policy I.A.3: Academic and Fiscal Years Defined**

An academic year is defined as 24 credits per year and 32 weeks of instructional time. An academic year consists of a fall semester and spring semester. Fall and spring semesters may contain late start classes and sessions of less than 16 weeks. Summer sessions may be available and will be considered an extension to a semester.

Specific dates of the semester and any summer sessions will be defined on at least an annual basis on an academic calendar.

The fiscal year is defined as July 1 of one year through June 30th of the following year.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

### **Policy I.A.4: Alcohol Use/Alcoholic Beverages Policy**

Alcoholic beverages are not to be sold, served, used or possessed in any of the facilities of the College, unless specifically and expressly approved by the President of the College.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy I.A.5. Standards of Conduct for Trustees, Officers and Senior Administrators**

The Board of Trustees of Erie County Community College (the "College") recognizes that members of the College's Board of Trustees, the College President, members of the President's Cabinet, and other Senior Administrators (hereinafter referred to individually and collectively as "Trustees," "Officers" or "Administrators"), must observe high standards of ethical conduct in order to fulfill the College's mission with integrity and to assure public confidence in the institution.

The Board of Trustees, in the exercise of its leadership role for the College, must also model recognized best practices associated with policy development and institutional governance. Accordingly, and in order to provide a framework for guiding ethical conduct, the Board of Trustees of Erie County Community College adopts the following standards of conduct for Trustees, Officers and Administrators to uphold. In the event of a conflict between the terms of this policy and the Pennsylvania Public Official and Employee Ethics Act (the "Ethics Act"), the more strict provision shall control. If a topic referenced herein has also been addressed in another Board policy or in a College regulation, then the procedures and statements contained in such policies or regulations shall be deemed to be affirmed and made a part hereof for all purposes.

#### **Definitions**

The term "Senior Administrators" shall refer to administrative employees of the College with the rank or title of President, Provost/ Executive Vice President, Vice President, Assistant Vice President, Executive Director, Director, Dean, Associate Dean, Assistant Dean and Coordinator. "Interest" shall include a monetary, financial benefit or other personal material benefit. "Affiliate" will include a business, association, corporation or other legal entity in which a Trustee, Officer, Administrator or his/her immediate family member is a director, trustee, officer, partner, joint venturer, principal, employee, owner and/or holder of five percent (5%) or more of voting stock or a controlling interest. As used herein, "immediate family member" refers to a spouse or civil union partner, child, parent, sibling, or such relations by marriage or civil union partnership, a person claimed as a dependent for federal income tax purposes (wherever residing), and any relative residing in the same household. The term "Presidents Cabinet" shall refer to senior officers and others designated by the President.

#### **Standards of Conduct**

The Board of Trustees hereby adopts the following standards of conduct for all Trustees, Officers and Administrators. Trustees will:

1. Devote sufficient time, thought and study to their duties and responsibilities as a Trustee of the College so as to render effective and creditable service.
2. Recognize their fiduciary duty to serve the public trust, and ensure that all of their actions and decisions as Trustees are based solely on promoting the best interests of the College, its students and the public good.
3. Recognize that, as individuals, they have no legal authority to act outside of official meetings of the Board, and, in such a case, only when such act is authorized by a majority of the Board, nor to individually direct the activities or actions of College personnel.
4. Distinguish between issues relating to governance and policy, which are appropriately within the purview and authority of the Board, and issues relating to the College's day-to-day operations, which shall be left to the purview of the President and the President's staff.
5. Maintain consistent and vigilant oversight of the College's operations and educational programs, and monitor progress toward achievement of established goals and the College's compliance with Board policies and applicable laws.



6. Keep well-informed on Board-related issues and attend and participate actively in meetings of the Board and its committees.
7. Serve as stewards of and advocates for the College and its policies and programs.
8. Encourage open, honest and civil discussion in making Board decisions, and offer opportunities for differences of opinion to be heard. Work collaboratively and collegially with each other and the College's Officers, Administrators, employees, students and the community at large to support and implement the mission, vision and goals of the College.
9. Recognize the Board chair or his or her designee as the Board's official spokesperson to the media.
10. Read, understand and follow the policies, procedures and guidelines set forth in the Board of Trustees by-laws.
11. Honor and support actions that are made and duly approved by the Board in accordance with procedures established in the Board's by-laws and under applicable law.
12. Complete and submit in a timely fashion the Statement of Financial Interests form mandated by the provisions of the Ethics Act to the College's Human Resources Office.

**Trustees, Officers and Administrators will:**

1. Support the highest ethical and professional standards in the course of performing their respective duties and responsibilities.
2. Maintain knowledge and understanding of the requirements of all Board policies and by-laws.
3. Identify and disclose all actual or potential conflicts of interest and act at all times for the general good of the College and regardless of personal friendships, relationships or interests or the interests or influences of third parties.
4. Maintain the confidentiality of information which is privileged, proprietary or otherwise not generally available to the public and which is received or acquired in the course of his/her official duties.
5. Interact with each other and all members of the College community in a manner that creates and sustains mutual respect.
6. Maintain and implement processes to identify and resolve issues or complaints regarding noncompliance with this policy and impose appropriate consequences for substantiated instances of noncompliance.
7. If uncertain as to whether a particular relationship, transaction or situation may constitute or create a conflict of interest, consult with the College's general counsel.
8. Abstain or recuse themselves from participating in or otherwise attempting to influence any action, transaction or decision in which an actual or potential conflict of interest has been identified.

**Trustees, Officers and Administrators must not:**

1. Accept or solicit any gift, favor, service or benefit that might reasonably tend to influence the individual in the discharge of his or her official duties or that the individual knows or should know is being offered with the intent to influence his or her official conduct.
2. Accept employment or engage in a business or professional activity that the individual might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her position with the College.
3. Accept other appointments or any employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of official duties.
4. Intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another.

**The following examples illustrate situations that may constitute a violation of the Standards of Conduct. This list is not comprehensive and does not limit the scope of this Policy.**

1. Knowingly voting upon, approving or authorizing a contract or transaction between the College and an immediate family member or Affiliate, or any other matter in which the Trustee, Officer or Administrator has an interest.
2. Exerting influence on the decision to purchase or lease property, equipment or materials for the College from an immediate family member or Affiliate of the Trustee, Officer or Administrator.
3. Using College students, staff, resources or facilities for personal gain or benefit or for the benefit of an immediate family member or Affiliate.
4. Using confidential information for personal gain or benefit or for the benefit of an immediate family member or Affiliate.
5. Establishing specifications for a product or service in a manner that would preclude persons or entities other than Affiliates or immediate family members of the Trustee, Officer or Administrator from submitting a competitive bid for an equivalent item.
6. For a Trustee, Officer or Administrator, or any immediate family member thereof, to accept from an organization, firm or individual doing or seeking to do business with the College any of the following: commissions; a share in profits; gifts in cash;



gifts of merchandise of more than nominal value; loans or advances (other than from established banking or financial institutions); materials, services, repairs or improvements at no cost or at unreasonably low prices; excessive or extravagant entertainment; and travel.

7. For an Affiliate or immediate family member of any Trustee, Officer or Administrator to enter into any contract with the Board or the College, except with the prior knowledge and consent of the Board of Trustees and compliance with applicable provisions of the Ethics Act.
8. For an Officer or Administrator to receive additional compensation through a grant program or other third party funding source for performing work that is an integral part of said individual's normal job duties and responsibilities.
9. Direct or indirect involvement in the hiring, supervision, performance evaluation, compensation or retention of an immediate family member.

*\*Policy approved by Erie County Community College Board of Trustees: April 14, 2021*

*\*Review Deadline: April 14, 2026*

#### **Policy I.A.6. Disclosure of Personal or Private Interest**

A Trustee, Officer or Administrator who has an actual or potential conflict of interest with respect to a measure, proposal or decision pending before the Board of Trustees shall promptly disclose such interest to the Chairperson of the Board, along with any other relevant information. The Chairperson shall be responsible for informing the other members of the Board of the conflict. If the Chairperson has a conflict, then he or she shall notify the Vice Chairperson. The Board of Trustees may consider such a measure, proposal or decision, but any member having such an interest shall not vote or otherwise participate in such deliberation or action of the Board of Trustees. The member shall, prior to the vote being taken, publicly announce and disclose the nature of his or her interest as a public record in a written memorandum filed with the Board Secretary, which shall be made a part of the minutes of the meeting. While the College may do business with an affiliate of one of its Trustees, no preference may be given based on the Trustee relationship. Further, any Trustee who may have either a direct or indirect interest in a business entity is excluded from all participation in decisions, discussions and any matter related thereto. In the event the College enters into any contract, or in the event that an entity awarded a contract by the College enters into a subcontract, valued at \$500 or more with an entity with which an employee or Trustee, or the employees or Trustees spouse or child, is associated, it may only do so if the contract, or subcontract, has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the employee or Trustee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

#### **Violations**

In addition to any applicable penalties for violation of the Pennsylvania Ethics Act, reported, alleged or suspected violations of this policy will be directed to the Board Chairperson. If the Board Chairperson is the subject of the report or alleged violation, then the report will be directed to the Vice Chairperson. The Board Chairperson (or Vice Chairperson, if applicable) may appoint a Special Ad Hoc Committee of the Board to examine the matter and recommend further course of action to the Board. The committee may conduct a fact-finding process in an effort to determine if the report can be substantiated, and may consult with or engage the services of legal counsel or other third party to assist in completing an investigation. The committee shall complete its investigation and report its findings to the Board Chairperson (or Vice Chairperson, if applicable) within a reasonable period of time. If the report is substantiated, sanctions may be recommended by the committee, and may include a recommendation of censure and/or referral to outside agencies or investigative authorities, where applicable.

*\*Policy approved by Erie County Community College Board of Trustees: April 14, 2021*

*\*Review Deadline: April 14, 2026*

## **SECTION II: General Administration**

### **Subsection A: Rights**

#### **Policy II.A.1: Policy Against Title IX Sexual Harassment and/or Sexual Misconduct**

#### **I. INTRODUCTION**

Erie County Community College is committed to maintaining an educational and working environment free of unlawful discrimination and harassment. Under this policy, forms of discrimination or harassment based on sex will not be tolerated. This policy prohibits Sexual Harassment, as defined by federal Title IX regulations, by or against any student, faculty, administrator, staff, employee, vendor, contractor, volunteer, or visitor to the College. Sexual Harassment includes Sexual Assault, Dating Violence, Domestic Violence or Stalking. As set forth in this policy, the College will take all appropriate steps to prevent and respond to incidents of sexual harassment in a prompt and equitable manner.

Reports of Sexual Harassment that do not rise to the level of unwelcome verbal or physical conduct based on sex or of a sexual nature that does not rise to the level of sexual harassment under this policy may be covered by the College's Anti-Discrimination and Harassment Complaint Policy.



This policy will:

- Define Title IX Sexual Harassment.
- Explain how to make a report of Sexual Harassment.
- Identify interim measures and support services available for Complainants or Respondents under this policy.
- Provide information on the Sexual Harassment complaint process, including how reports made under this policy are equitably investigated and the hearing process.

## II. POLICY

### B. Scope of Policy

This policy applies to all students, faculty, administrators, staff, employees, vendors, contractors, volunteers, and visitors to the College, regardless of sexual orientation, gender, gender identity, gender expression, or any other characteristic, and regardless of the sex or sexes of the parties involved, including when the parties involved are all of the same sex. Under this policy, the College has jurisdiction over reports of sexual harassment that takes place on all College property and at any location, event or circumstance over which the College has substantial control over both the alleged Respondent and the context in which the conduct occurs, to include any building owned or controlled by a student organization that is officially recognized by the College.

At the time of the filing of a formal complaint, the Complainant must be participating in or attempting to participate in the College's educational programming or activity. Students, employees, and third parties may file reports of sexual harassment, under this policy.

### C. Title IX Coordinator

The College's Title IX Coordinator is responsible for overseeing the administration of this policy and the College's response to reports made pursuant to this policy. The contact information for the Title IX Coordinator is:

E-mail: [TitleIX@ec3pa.org](mailto:TitleIX@ec3pa.org)

Phone: 814-413-7000

Coordinator: Guy Goodman, Vice President of Academic and Student Affairs

### D. Conduct Prohibited by this Policy

The following conduct is prohibited by this policy:

#### 1. Sexual Harassment, defined as follows:

- a. Sexual Assault:** Sexual assault includes any forcible or non-forcible sexual act directed against another person without the consent of said person, including instances where the person is incapable of giving consent. Sexual assault includes the offenses of rape, fondling, incest, statutory rape, forcible sodomy (oral or anal sexual intercourse), and sexual assault with an object. These terms and other forms of sexual assault are further defined by the Code of Federal Regulations and the Pennsylvania Crimes Code, as set forth in Appendix A of this policy. The conduct defined in Appendix A is also prohibited by this policy.
- b. Sexual Harassment:** Sexual harassment is unwelcome\*\* verbal or physical conduct based on sex or gender or unwelcome verbal or physical conduct of a sexual nature (including sexual advances or requests for sexual favors) when:
  - I. Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of an individual's employment, study, or participation in College-sponsored activities;
  - II. Submission to or rejection of such conduct is used as the basis for decisions affecting a person's study, employment, or participation in College-sponsored activities; or
  - III. The conduct is determined by a reasonable person to be **so severe, pervasive and objectively offensive** it effectively denies a person's equal access to the College's education program or activity, work or academic performance or ability to participate in or receive the benefits, services, or opportunities in academic or work programs, or it creates an intimidating, hostile, offensive, or demeaning academic or working environment;

\*\*Conduct is "unwelcome" if it was not requested or invited by the Complainant, and the Complainant considered the conduct to be undesirable or offensive. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct does not necessarily mean that a person welcomed other conduct. The fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

Examples of behavior which may be considered sexual harassment include, but are not limited to:

- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or any other aide, benefit or service of the College;
- Language or behavior of a sexual nature;
- Sexually explicit statements, questions, jokes or teasing;
- Unnecessarily touching, panting, hugging or brushing against a person's body or unwelcome





- advances;
  - Remarks of a sexual nature regarding a person’s clothing, body, sexual activity, previous sexual experience, or sexual orientation;
  - Repeated requests for dates or social interaction made through verbal requests, social media, texts, notes telephone calls, facsimiles, e- mails, or other electronic communication;
  - Visual displays of inappropriate sexual images;
  - Removal or exclusion from participation based upon gender or sexual orientation; and
  - Attempted or actual incidents of Sexual Assault, Sexual Violence, or any of the other conduct prohibited by this policy.
- c. **Sexual Violence:** Sexual violence is physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including Sexual Assault.
2. **Relationship Violence is a broad term that includes the following behavior :**
- a. **Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.  
The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.  
Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.  
Note: Dating Violence is not defined under Pennsylvania law.
- b. **Domestic Violence:** Domestic Violence is a felony or misdemeanor crime of violence committed by:
- A current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Pennsylvania; or
  - By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.
- Note: Domestic Violence is not defined under Pennsylvania law.
3. **Stalking:**  
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for the person’s safety or the safety of others; or
  - Suffer substantial emotional distress.
- “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.  
“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.  
Stalking as defined by the Pennsylvania Crimes Code is also prohibited conduct under this policy. See Appendix A.
4. **Retaliation:**  
Any adverse treatment that is reasonably likely to deter someone from filing a report or participating in an investigation or disciplinary process under this policy.  
Retaliation can be verbal, written, graphic, electronic or physical, and can include but is not limited to intimidation, threats, coercion or unfavorable employment or educational actions directed toward an individual to deter them from filing a report or participating in the investigation or disciplinary process. Retaliation also includes acts taken with the intent of seeking retribution against an individual who filed a report or who otherwise participated in the investigation or disciplinary process.

**E. Important Information Regarding Prohibited Conduct**

**1. Consent**

As used in this policy, the term “Consent” means words or actions that show a knowing and voluntary agreement to engage in mutually agreed sexual activity. Consent must be ongoing throughout sexual activity and can be revoked at any time. Silence or absence of resistance will not necessarily imply consent. Assent (an affirmative statement or action) shall not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of their intoxication, unconsciousness, youth, mental deficiency or incapacity (also known as “Incapacitation”), or if the assent is the product of threat, force, or coercion. Consent to prior sexual activities does not constitute consent to future acts. Consent to engage in sexual activity with one person does not imply consent to engage in



sexual activity with another person.

## **2. Prohibited Conduct Through Different Communication Mediums**

Violations of this policy may occur through various communication mediums, including but not limited to, face-to-face contact, telephone, written notes, Wiki contributions, instant messages, text messaging, file sharing, voice chat, video chat, social networking, or blogging that occurs on College property or at any location, event or circumstance over which the College has substantial control over both the alleged Respondent and the context in which the conduct occurs.\*\*

\*\*Misconduct that occurs through the use of the above mediums and does not fall within the jurisdiction of this policy may still be investigated under the College's Anti-Discrimination and Harassment Complaint Policy and Non-Title IX Policy Against Sexual Misconduct, Relationship Violence, and Stalking.

## **3. Attempting, Assisting, or Encouraging Prohibited Conduct**

An attempt to commit any of the prohibited conduct identified in this policy or assisting or willfully or knowingly encouraging such prohibited conduct, may also be considered a violation of this policy.

## **4. Retaliation**

The College prohibits retaliation against any individual who makes or intends to make a report of sexual misconduct or Title IX sexual harassment under this policy or participates or intends to participate in the investigatory or disciplinary process under this policy. Retaliation in violation of this policy will be subject to disciplinary action.

## **5. Consensual Sexual or Romantic Relationships**

Consensual relationships occurring between supervisors and subordinates, or faculty and students can lead to circumstances which may be interpreted as sexual harassment. Consensual relationships may also be viewed as causing a hostile or offensive work or academic environment when other staff or students believe that the person(s) involved in the relationship(s) is/are receiving favorable treatment in employment or educational decisions and actions.

The College strongly discourages any sexual or romantic relationship between a faculty member and a student where the faculty member has authority or influence over, or responsibility for, that student. Similarly, the College discourages any sexual or romantic relationship between a supervisor and a staff employee, where the supervisor has authority or influence over, or responsibility for, that employee.

Consensual relationships among faculty and students or supervisors and staff where such authority, influence or responsibility exists are strongly discouraged. Any consensual relationships which create severe, pervasive and objectively offensive work or academic environments for other students or staff are prohibited.

## **F. Confidentiality**

The College is committed to protecting the privacy of all parties involved in a report made under this policy, to the extent permitted by applicable law and subject to the College's reporting obligations as described below. The College will treat all reports with sensitivity, and reports, investigations and findings of hearing proceedings will only be shared in compliance with this policy. Any interim or supportive measures will be kept as confidential as possible and shared only on a need-to-know basis.

Information pertaining to reports made under this policy will be kept in a secure manner.

## **III. REPORTING VIOLATIONS OF THIS POLICY**

Students, employees and third parties may file reports of violations of this policy with the Title IX Coordinator in person, by mail, telephone, or by email. They may also report violations of this policy to any other College employee. The contact information for the Title IX Coordinator is:

E-mail: [TitleIX@ec3pa.org](mailto:TitleIX@ec3pa.org)

Phone: 814-413-7000

Coordinator: Guy Goodman, Vice President of Academic and Student Affairs

### **A. Reporting to Other College Employees**

The College understands that not every individual will be comfortable making a report to the Title IX Coordinator identified above, and some individuals will prefer to report allegations of potential violations of this policy to an employee of the College that he, she or they trust. For example, a student may choose to make a report to their instructor or counselor, or an employee may choose to make a report to their supervisor.

All College employees share in the responsibility of ensuring compliance with this policy and are mandated to report any and all allegations of sexual harassment and sexual misconduct to the Title IX Coordinator. Employees must report to the Title IX Coordinator all relevant details about the alleged violation that the individual has shared. The Title IX Coordinator will then address the report in accordance with this policy.



## **B. Contents of a Report**

An individual will be asked to provide as much detail as possible in making a report, including the name and contact information of the Complainant, the Respondent, and any witnesses (if known); the date, time, and location of the incident; a description of the prohibited conduct; supporting documentation or other evidence (pictures, texts, emails, etc.), if any; and any other information which would assist the College in appropriately investigating and responding to the report.

## **C. Anonymous Reporting**

In order to maximize the College's ability to effectively investigate and respond to reports under this policy, the College encourages individuals to provide identifying information when filing a report under this policy. However, the College will accept anonymous reports. The College will make all reasonable efforts to investigate and respond to reports filed anonymously, however, the College may be limited in its ability to fully investigate and resolve the report depending upon the level of information available in the report.

## **D. Who May Report**

Note that in addition to the filing of a report by a Complainant, anyone can file a report of an alleged violation of this policy, including a witness or a third party. While there is no required time frame for submitting reports under this policy, the College strongly encourages reporters to submit a report as soon as possible to maximize the College's opportunity to effectively investigate and respond to the report. Individuals who make a report pursuant to this policy will receive a copy of this policy or be provided with the link to this policy on the College's website.

## **E. Criminal Report**

A Complainant who alleges to have been the victim of Sexual Assault, Relationship Violence, or Stalking also has the right to pursue criminal action against the Respondent, including seeking a protective order. Whether or not the Complainant chooses to seek criminal action is within the discretion of the Complainant. If requested by the Complainant, the College will provide reasonable assistance or other support in notifying law enforcement of the report. The College will cooperate with a criminal investigation to the extent permitted by law. The College reserves the right to notify law enforcement of reports made pursuant to this policy if the College determines that such notification is necessary to protect the health and safety of the College community or the public.

An individual may choose to pursue criminal action at any time. The College encourages individuals contemplating pursuing criminal action to consult with law enforcement as soon as possible after the alleged incident in order to ensure that any physical and other forms of evidence are preserved in as timely a fashion as possible.

Reports made pursuant to this policy are completely separate from a criminal investigation. Even if a criminal investigation is ongoing, the College will still conduct its own investigation in accordance with this policy. While the criminal investigation is pending, law enforcement may require the College to delay or otherwise temporarily limit its own investigation, which may delay the College's resolution of the report. The College will comply with any such request by law enforcement to the extent permitted by law and continue with its investigation as soon as reasonably practicable.

## **F. False Report**

A report made under this policy which is later found to be knowingly or intentionally false or made maliciously without regard for truth may be subject to disciplinary action. Reports made in good faith, even if the allegations are not substantiated, will not be subject to discipline.

## **G. College's Reporting Obligations**

Reports made pursuant to this policy which involve Dating Violence, Domestic Violence, Sexual Assault, and Stalking will be included in the College's annual report of crime statistics in the College's Annual Security Report, which is made available to the public, and to the U.S. Department of Education, as required by law. Reports of crime statistics do not include any personally identifiable information.

Finally, the College reserves the right to notify law enforcement of reports made pursuant to this policy if the College determines that such notification is necessary to protect the health and safety of the College community or the public.

## **H. When the Report Involves a Victim Under 18 Years Old**

In the event that a report made under this policy involves reasonably suspected or actual child abuse or neglect, all College employees who are mandated reporters must report child abuse or neglect that they know about, see, or have reasonable cause to suspect first to the Pennsylvania Department of Public Welfare Child Line at (800) 932-0313, and then to College Security. If the employee is unable or prefers not to contact College Security, the employee may contact the Vice President for Business, Finance and Administration.

## **IV. INVESTIGATION AND HEARING PROCEDURES**

The College will ensure that it takes steps to investigate and remedy reports of violations of this policy in a prompt and equitable manner. These steps include prompt contact with the Complainant by the Title IX Coordinator to explain the process for filing a formal complaint. If a formal complaint is filed, it will be promptly handled in accordance with the following procedures. In all cases, the Title IX Coordinator will maintain oversight over the investigation and disciplinary process. The parties will be promptly notified



in writing of which office is responsible for conducting the investigation and disciplinary process, as designated by the Title IX Coordinator, and will be provided with more detailed information regarding the applicable investigation and disciplinary procedures. If a complainant chooses not to file a formal complaint, the Title IX Coordinator will still advise the complainant of any available supportive measures.

**A. Investigation Procedures:**

1. Title IX Coordinator will promptly contact and explain the College's supportive measures to the Complainant.
  2. Title IX Coordinator will explain the process for filing a formal complaint.
  3. A review of the allegations by the Title IX Coordinator to determine whether they constitute prohibited conduct under this policy.
  4. Should the review reveal the following, the report of sexual harassment will not be investigated pursuant to this policy\*\*:
    - a. The allegations, if proven, do not constitute a violation of the conduct prohibited by the policy.
    - b. The conduct did not occur on College property or at a location over which the College had substantial control of both the Respondent and the context in which the conduct occurred.
    - c. The Complainant is not participating or attempting to participate in the College's educational programming or activities.
    - d. The conduct occurred outside of the United States.
- \*\*Allegations not investigated under this policy may still be investigated if they violate other College policies.
5. Should the review reveal the following, the report of sexual harassment *may not* be investigated pursuant to this policy:
    - a. The Complainant withdraws the complaint in writing.
    - b. The Respondent is no longer enrolled or employed at the College.
    - c. Specific circumstances exist that prevent the College from investigating the complaint.
  6. The College will take appropriate supportive measures as necessary.
  7. Informal resolution procedures may be available to resolve reports of potential violations of this policy; however,:
    - a. It is only available when a formal complaint is filed;
    - b. The College cannot require the parties to participate in informal resolution;
    - c. Both parties must agree in writing to participate;
    - d. Either party may withdraw from the informal resolution process at any time prior to resolution; and
    - e. ***Informal resolution will never be appropriate for reports of violations of this policy when the Respondent is an employee of the College and the complainant is a student.***
  8. Written notice of the process and/or informal resolution will be provided to the parties that a complaint pursuant to this policy has been filed. The notice will be sent simultaneously to both the Complainant and Respondent. The notice will include an explanation of the investigation process and information regarding the parties' right to an Advisor of their choice.\*\* Complainants and Respondents may elect to obtain an Advisor or have one provided to them by the College. The parties may or may not elect to have an attorney serve as the Advisor.  
***\*\*A list of Advisors provided by the College will be available from, the Title IX Coordinator. Such list will be updated periodically by the College.***
  9. Interviews with the Complainant, the Respondent and any witnesses.
  10. Review of student and/or personnel files.
  11. The collection and examination of other relevant documents. The burden of proof and responsibility for gathering evidence for investigations rests with the College and not the parties. Medical records for a party cannot be collected, accessed, considered, disclosed or otherwise used, unless the College obtains the voluntary, written consent of the party.
  12. The College will conduct a prompt, thorough, equitable and impartial investigation and issue a comprehensive investigation report which fairly summarizes relevant evidence. Both parties will have an equal opportunity to review the gathered evidence at least 10-days before the investigation report is finalized, and an equal opportunity to submit written responses to the evidence. Both parties will also have an equal opportunity to review the finalized investigation report at least 10-days prior to the hearing and submit additional written responses to the investigation report.

**B. Hearing Procedures:**

1. The College will conduct a live hearing (either in-person or via video-conference) at which both parties will have an Advisor of their choice present the relevant evidence and conduct cross-examination of the parties and witnesses.
2. The College will seek to resolve all reports of violations of this policy within 90 calendar days, whenever practicable. The parties will be advised in writing when resolution is expected to take longer.
3. Both parties will receive simultaneous written notice of the outcome of the hearing and any disciplinary sanctions in the form of a written decision from the Hearing Officer conducting the hearing.
4. The written decision will include the following information:
  - a. The standard of evidence (preponderance of the evidence) used to review and analyze the evidence presented;
  - b. The facts that potentially constitute sexual harassment;



- c. The procedural history of the process, to include all dates for notices to the parties, interviews and site visits, and methods for gathering evidence;
  - d. The findings of facts supporting the determination;
  - e. A separate written analysis of each allegation and the determination;
  - f. Disciplinary sanctions, if appropriate;
  - g. Whether the remedies to restore/preserve the Complainant's equal access to educational programming and/or activities will be provided to the Complainant by the College; and
  - h. Notice that both parties have the right to appeal the decision.
5. For hearings involving a Student as the Respondent the Hearing Officers shall be appointed in accordance with the Student Code of Conduct.
  6. For hearings involving a Faculty or Staff member as the Respondent the Hearing Officer shall be appointed by the College's President.

**C. Appeals:**

1. Both parties have an equal right to a prompt appeal of the determination of the hearing or from a dismissal of a formal complaint of sexual harassment under this policy or any of the allegations therein.
2. Grounds for appeal include the following:
  - a. A procedural irregularity that affected the outcome of the investigation/ hearing.
  - b. The discovery of new evidence that was not reasonably available at the time of determination by the Hearing Officer or dismissal by the Title IX Coordinator.
  - c. A conflict of interest or bias with the Title IX Coordinator, Investigator or Hearing Officer, either generally or specifically that affected the outcome of the investigation or hearing.
3. Appeals involving a Student Respondent must be filed in accordance with the Student Code of Conduct in writing with the Dean of Student Affairs and Enrollment within five (5) school weekdays of the notice of the outcome of the investigation.
4. Appeals involving an Employee Respondent must be filed with the College President in writing within five (5) working days of the notice of the outcome of the investigation.
5. Both parties will have a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome.
6. The appeal officer will issue a written decision describing the result of the appeal and the rationale for the result.
7. Both parties will receive simultaneous written notice regarding the outcome of any appeal.

**V. SANCTIONS FOR VIOLATING THIS POLICY AND SAFE HARBOR**

**A. Sanctions**

Violations of this policy may result in disciplinary action, up to and including termination of an employee or expulsion of a student, subject to the relevant policies and procedures governing the disciplinary process applicable to the alleged Respondent.

**B. Safe Harbor**

Notwithstanding the foregoing, a student witness or student victim of an incident of a violation of this policy who reports such incident in good faith will not be sanctioned by the College for admitting in the report to a violation of the College's Student Code of Conduct related to the use of drugs or alcohol.

**VI. SUPPORTIVE MEASURES**

Supportive measures are those non-disciplinary, non-punitive services, accommodations, or other assistance that the College puts in place for individuals after receiving notice of alleged violations of this policy, pending the final outcome of any investigation/hearing process, or when no formal complaint is filed. Supportive measures may be imposed for various reasons, including ensuring the safety of the parties or the College community at large; eliminating a hostile work environment; or protecting the integrity of the investigation and/or disciplinary process.

Supportive measures are meant to ensure that both parties involved in a report under this policy continue to have adequate access to educational and/or work opportunities at the College, without unreasonably burdening the other party. A party may request these measures from the office responsible for investigating the report, or the College may offer them on its own initiative when it deems them appropriate. The College will determine which supportive measures are appropriate on a case-by-case basis. Potential supportive measures include a "no contact" directive pending the outcome of the investigation, provision of a security escort, modifications of class schedules or deadlines, emergency removal \*\* from the College's education program and activities or other supportive measures the College deems reasonable and appropriate. The College may make certain supportive measures permanent measures to be applied even after the investigation and/or disciplinary process is complete, when appropriate under the circumstances.

\*\*Should the College determine that an emergency removal of the Respondent from the College's education program or activities is appropriate (i.e., the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment), the College will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.



Individuals who have been victims of violations of this policy may also seek other supportive measures both on- and off-campus. Upon becoming aware of a report of a potential violation of this policy, the Title IX Coordinator must promptly contact the potential Complainant to discuss the availability of supportive measures, services, consider the Complainant's wishes with respect to supportive measures, services, and inform the Complainant of the availability of supportive measures, services, with or without the filing of a formal complaint.

Supportive measures are available to both the potential Complainant and potential Respondent. Individuals seeking on-campus support services should be aware that employees must report allegations of violations of this policy to the Title IX Coordinator. Therefore, they cannot guarantee confidentiality. The College will create a list of On-Campus services and Off-Campus Services.

## **VII. EMERGENCY ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT, RELATIONSHIP VIOLENCE OR STALKING**

An individual who is in imminent danger of Sexual Assault, Relationship Violence, or Stalking should contact law enforcement or, if on campus, College Security. An individual can also report emergencies occurring on- or off-campus by dialing 911 to reach the local police department.

In the event of an emergency that requires medical attention, individuals should go to the nearest hospital.

## **VIII. ENFORCEMENT AND TRAINING**

The Title IX Coordinator is responsible for ensuring the enforcement of this policy, and for ensuring training regarding this policy, with the ultimate goal of raising awareness and preventing Sexual Harassment, Relationship Violence, and Stalking within the College

*\*Policy approved by Erie County Community College Board of Trustees:*

**April 7, 2021**

**August 25, 2021**

**March 23, 2022**

*\*Review Deadline: **March 23, 2027***

### **Policy II.A.2: Equal Employment Opportunity Policy**

This policy establishes and outlines Erie County Community College's clear commitment to the principle of equal employment opportunity. In making this statement, the College is recognizing both a moral and legal responsibility.

Under the direction of the President, the Diversity Officer shall ensure compliance with this policy. The Diversity Officer, and all other staff in a supervisory capacity, shall implement this policy.

#### **Policy**

Erie County Community College is committed to and affirms a policy of equal employment opportunity to all applicants, employees, and students without regard to race, color, religion, sex, sexual orientation, age, national or ethnic origin, disability, genetic information, gender identification, status as a disabled or Vietnam era veteran, or any other legally protected characteristic and to provide each and every individual with the ability to work in a safe, productive and professional work environment that is free from discriminatory practices.

In achieving equal opportunity, we commit ourselves to:

- Recruit, hire, train, and promote the most qualified persons without regard to race, color, religion, sex, sexual orientation, age, national or ethnic origin, disability, status as a disabled or Vietnam era veteran, or any other legally protected characteristic.
- Ensure that promotion decisions are in accordance with equal employment opportunity requirements by imposing only valid, job-related requirements for promotional opportunities.
- Ensure that all personnel actions relating to compensation, benefits, transfers, retention, terminations, training, social and recreational programs and education are administered in a nondiscriminatory manner.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy II.A.3: Inclusion of Diverse Suppliers and Erie County Based Businesses in College Purchasing Activities**

Support of diversity and use of Erie County based businesses is a business interest of the College in undertaking its procurement of goods and services. Supplier diversity fosters positive economic impacts and increases competition within the College's pool



of goods and service suppliers. The College is committed to including diverse suppliers in procurement procedures whenever possible.

**Definitions:**

Minority, Woman or Disabled Business Enterprise (M/W/DSBE)

A Business that is a sole proprietorship owned and controlled by a minority, woman or disabled person, or a partnership, joint venture, corporation, or other entity where at least 51% of the business interest is held by one or more minority, woman or disabled persons.

**Disadvantaged Business Enterprise (DBE)**

A Small Business that is owned and controlled by socially and economically disadvantaged persons as defined in Title 49 of the Code of Federal Regulations Part 26 and certified in accordance with those federal regulations.

**Responsibilities of the Purchasing Department:**

The College will:

- Identify certified diverse suppliers
- Assist diverse and Erie County suppliers in understanding the College procurement process
- Report on efforts to make purchases from diverse and community suppliers
- Encourage all College units to include diverse suppliers when looking to source a service or commodity
- Track diverse and community supplier participation

**Identifying and Certifying Suppliers:**

The College will maintain relationships with the following local business organizations to assist the College with obtaining qualified diverse and community suppliers:

- Minority Supplier Development Council (MSDC) PA-NJ-DE
- Minority Business Development Agency (MBDA) Center of Pennsylvania
- Women Business Enterprise Council PA-DE-NJ
- Erie Regional Chamber and Growth Partnership
- African American Chamber of Commerce of Pennsylvania, New Jersey & Delaware

The College will establish an Equal Opportunity Program (EOP) for large scale construction projects which mirror the State of Pennsylvania goals for diverse supplier participation.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

**Policy II.A.4: Religious Accommodations**

The purpose of this policy is to prevent discrimination and ensure compliance on the basis of religion in accordance with Title VII of the Civil Rights Act of 1964, as amended, the Pennsylvania Human Relations Act.

Under the direction of the President, the Diversity Officer shall ensure compliance with this policy. The Diversity Officer and all other supervisory staff, shall implement this policy.

**Policy**

Erie County Community College prohibits discrimination based upon religion. The College will provide reasonable religious accommodations when necessary for individuals to participate in employment and educational opportunities, as well as other college programs and activities, unless the accommodation poses an undue hardship on the College or requires the College to fundamentally alter the nature of a College course, program, or activity.

**Complaints**

Individuals who believe that there is a violation of this policy, disagree with a determination regarding a request for a reasonable religious accommodation, believe they have been treated in a discriminatory manner, or are experiencing harassment should contact the College Diversity Officer. An individual who files a complaint or participates in an investigation will be protected against retaliation. Complaints will be kept confidential to the extent possible.

**Appeal**

An employee who disagrees with the Diversity Officer's determination may appeal by providing a written appeal to the College President. The President or his/her designee will make a decision regarding the appeal. The decision of the President or his/her designee is final.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***



### **Policy II.A.5: Civil Rights**

Erie County Community College is committed to providing an educational and work environment that is free from discrimination, harassment, and retaliation. To ensure compliance with federal, state and Erie County civil rights laws, ordinances, and regulations, and to affirm its commitment to promoting the values of fairness, equity and respect in all aspects of the College, Erie County Community College will develop policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation.

Erie County Community College emphasizes the dignity of all members of its community and strives to balance the rights of the parties

*\*Policy approved by Erie County Community College Board of Trustees: **April 14, 2021***

*\*Review Deadline: **April 14, 2026***

### **Policy II.A.6: Disability Accommodations**

The purpose of this policy is to ensure compliance with the Americans with Disabilities Act of 1990, as amended, Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, the Pennsylvania Human Relations Act, which prohibit employment discrimination against qualified individuals with disabilities. The College seeks to prevent discrimination on the basis of disability in employment and employment opportunities and provide reasonable accommodations for qualified individuals with disabilities to enable them to perform the essential functions of their positions unless such accommodations will impose an undue hardship on the College.

Under the direction of the President, the College Diversity Officer shall ensure compliance with this policy. The Diversity Officer and all other supervisory staff, shall implement this policy.

#### **Policy**

It is the policy of Erie County Community College to prevent discrimination on the basis of disability and provide equal employment opportunity for all qualified individuals, including those with disabilities. The College will provide reasonable accommodations to enable such qualified individuals to perform the essential functions of their jobs provided that the accommodations do not impose an undue hardship to the College.

The College may offer reasonable accommodations other than those requested by an employee if the College determines the alternative reasonable accommodation allows the employee to perform the essential job functions. Accommodation requests and any personal health information will be kept confidential to the degree practical.

An employee who disagrees with the College's determination of an accommodation may appeal by providing a written appeal to the College President. The President or his/her designee will make a decision regarding the appeal. The decision of the President or his/her designee is final.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy II.A.7: Disabled Vietnam-era and Other Eligible Vets**

The purpose of this policy is to ensure equal employment opportunity without regard to veteran status in accordance with the Vietnam-Era Veterans' Readjustment Assistance Act of 1974, as amended.

Under the direction of the President, the Diversity Officer shall ensure compliance with this policy. The Diversity Officer, and all other staff in a supervisory capacity, shall implement this policy.

#### **Definitions:**

1. Disabled Veteran - A person entitled to disability compensation under laws administered by the Veteran's Administration for disability rated at 30% or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
2. Qualified Special Disabled Veteran - a Special Disabled Veteran as defined in 41 C.F.R. Part 60-250.2 who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such veteran holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.
3. Veteran of the Vietnam-Era - a person who served on active duty for a period of more than 180 days in the Republic of Vietnam between February 28, 1961 and May 7, 1975 or between August 5, 1964 through May 7, 1975 in an area other than Vietnam with a discharge or release other than dishonorable discharge.
4. Other Eligible Veterans - A person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.





**Policy:**

Erie County Community College provides fair employment, educational and career opportunities to every qualified individual. Accordingly, the College will take affirmative action to employ, advance in employment and otherwise treat qualified special disabled veterans, veterans of the Vietnam-Era and other eligible veterans without discrimination in all employment and educational practices.

The College will not discriminate against any employee or applicant for employment because he or she is a special disabled veteran or veteran of the Vietnam era or is otherwise eligible. The College will recruit, hire, train and promote persons in all job titles, and ensure that all other personnel actions are administered without regard to special disabled veteran or Vietnam era veteran status; and ensure that all employment decisions are based only on valid job requirements.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Act of 1974, as amended ("VEVRAA") or any other federal, state or local law requiring equal opportunity for veterans; (3) opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for veterans; or (4) exercising any other right protected by VEVRAA or its implementing regulations.

Reasonable accommodations shall be made to the known physical or mental limitations of a qualified special disabled veteran employee or applicant unless such accommodation would impose an undue hardship on the conduct of the College's educational mission or operations.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

**SECTION II: General Administration****Subsection B: Compliance Policies****Policy II.B.1: Whistleblower Policy**

Erie County Community College is committed to maintaining an environment of respect and trust. In addition, the College is committed to complying with all laws and regulations applicable to it, and the College relies upon its employees to perform their duties in accordance with the College's policies and procedures. The College's internal controls and policies and procedures are intended to prevent and detect improper activities. The College encourages good faith reports by College employees and others of observed or suspected misconduct, waste, or noncompliance with law, regulations or College policies.

This Whistleblower Policy is designed to encourage and enable College employees and others who have good faith serious concerns about misconduct, including violations of law, regulations or College policies and procedures, to report their concerns. This Policy is not intended to supplant existing College policies. Thus, complaints or grievances such as those regarding discrimination or harassment, personnel, employment, academic matters, and other matters for which the College has specific policies, should continue to be made and addressed in accordance with the policies and procedures applicable to such matters and applicable law.

**Reporting Misconduct**

Any person may report allegations of misconduct. Reports shall focus on facts and should avoid speculation. Reports shall include as much detailed information as possible in order to better facilitate evaluation of the nature, extent and urgency of the investigation. Employees may report allegations of misconduct to their supervisor or other appropriate supervisors in their work area.

Employees may also make reports internally to the President, General Counsel, Vice President for Business, Finance, and Administration, or Chief Information Officer. The College recommends that persons who are not employees of the College make reports to the College official whom the reporting person reasonably believes has responsibility over the affected area or holds one of the positions listed above. Anonymous reporting is also permissible, but such reports must include sufficient detailed information to warrant an investigation. Reports also may be made outside the College to appropriate authorities.

A person making a report under this Policy may request that it be handled as confidentially as possible. Although the College will endeavor to handle all such reports in a confidential matter, other obligations and considerations may preclude the College from maintaining confidentiality in all circumstances.

**Protection from Retaliation**

No individual who in good faith reports misconduct or suspected misconduct (whether internally or to authorities outside the College) shall suffer retaliation for making such a report. Individuals who believe that they have suffered retaliation may report

it by one of the reporting methods identified above. Making a report pursuant to this Policy shall not insulate an individual from personnel or other actions that are warranted based upon performance or other factors and are not caused by making a report under this Policy.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

## **Policy II.B.2: Right to Know Policy**

### **I. Purpose**

Erie County Community College recognizes the importance of public records as the record of the College's actions and the repository of information about the College. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board and administrative policies.

### **II. Delegation of Responsibility**

The College designates the Director of Human Resources as its Right-to-Know Officer, who shall serve as the College's open records officer as defined in Pennsylvania's Right-to-Know Act. The Right-to-Know officer shall be responsible to:

1. Receive written requests for access to records submitted to the College.
2. Develop and revise the form used to request records as well as forms used in responding to requests for public records.
3. Review and respond to written requests in accordance with law, Board and administrative policies.
4. Direct requests to other appropriate individuals in the College or to the appropriate persons in another agency.
5. Track the College's progress in responding to requests, including but not limited to noting the date of receipt on the written request, computing the day on which the five-day response expires and making a notation of that date on the written or electronic copy of a request.
6. Issue interim and final responses to submitted requests, including computing the day on which extension of a thirty days to respond expires and making a notation of that date on the written request. If a written request for access to a record is denied, the mailing date of the Right-to-Know Officer's response shall be noted on the written denial.
7. Maintain a log of all record requests and their dispositions.
8. Maintain a file for each request and all documents submitted with the request, including but not limited to the original request, a copy of the response(s), a record of written communications with the requester, and a copy of any other communications. If the written request is denied, maintain the written request for at least thirty (30) days or, if an appeal is filed, until a final determination is issued and the appeal period there from has expired.
9. Ensure College staff are trained to perform assigned job functions relative to requests for access to records.

The contact information for the Right-to-Know Officer is:

Email: [RTKLrequests@ec3pa.org](mailto:RTKLrequests@ec3pa.org)

Phone: 814-413-7007

Officer: HR Director

### **III. Guidelines**

Requesters may access and procure copies of the public records of the College during the regular business hours maintained by the Right-to-Know Officer.

A requester's right of access does not include the right to remove a record from the control or supervision of the Right-to-Know Officer.

The Right-to-Know Officer shall not limit the number of records requested.

When responding to a request for access, the College is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the College does not currently use.

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.

The College shall post at the Right-to-Know Officer's office and on the College's web site, the following information:

1. Contact information for the Right-to-Know Officer;
2. Contact information for the Pennsylvania Office of Open Records;
3. The form which may be used to file a request; and
4. Policy, guidelines and procedures governing requests for access to the College's public records.

### **Request For Access**

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Right-to-Know



Officer.

Written requests may be submitted to the Right-to-Know Officer in person, by mail, or to a designated email address.

The Right-to-Know Officer may not accept verbal or telephone requests.

The Right-to-Know Officer may not accept written, anonymous requests. Each request must include the following information:

1. Identification or description of the requested record in sufficient detail;
2. Medium in which the record is requested; and
3. Name and address of the individual to receive the College's response.

The College shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

### **Fees**

The Right-to-Know Officer shall establish and keep current a list of reasonable fees which shall be no more than the fee structure for permissible charges as established by the Office of Open Records associated with responding to requests for public records.

The fee for each photocopy shall be 25¢ per page. A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page.

No fee may be imposed for review of a record to determine whether the record is subject to access under law. Prior to granting access, the Right-to-Know Officer shall require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.

The Right-to-Know Officer may waive duplication fees when the requester duplicates the record or the College deems it is in the public interest to do so.

### **Response to Request**

College employees are directed to immediately forward requests for access to public records to the Right-to-Know Officer.

Upon receipt of a written request for access to a record, the Right-to-Know Officer shall determine if the requested record is a public record and if the College has possession, custody or control of that record.

The Right-to-Know Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Right-to-Know Officer.

The initial response shall grant access to the requested record, deny access to the requested record, partially grant and partially deny access to the requested record, or notify the requester of the need for an extension of time to fully respond.

### **Extension of Time**

If the Right-to-Know Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt-of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and, if applicable, an estimate of applicable fees owed when the record becomes available. Where this policy requires that "written notice" be provided, this shall include but is not limited to notice sent by the use of electronic mail or facsimile transmission.

Up to a thirty (30) day extension for at least one of the listed reasons does not require the consent of the requester.

A requester may consent in writing to an extension that exceeds thirty (30) days.

### **Granting of Request**

If the Right-to-Know Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the Right-to-Know Officer, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall either include a copy of the fee schedule in effect or notice of a web link to the fee schedule, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of one hundred dollars (\$100.00), and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the College is not required to permit use of its computers.

The Right-to-Know Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the College shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the College's notice, submits a written request to have the record converted to paper, the College shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.



If the Right-to-Know Officer determines that a public record contains information both subject to and not subject to access, the Right-to-Know Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Right-to-Know Officer shall redact from the record the information that is not subject to access.

If the Right-to-Know Officer responds to a requester that a copy of the requested record is available for delivery at the office maintained by the Right-to-Know Officer and the requester does not retrieve the record within sixty (60) days of the College's response, the College shall dispose of the copy and retain any fees paid to date.

The Right-to-Know Officer, after consultation with the College President may make an otherwise exempt record accessible for inspection and copying if all of the following apply: (1) Disclosure of the record is not prohibited under any (i) Federal or State law or regulation or (ii) Judicial order or decree; (2) the record is not protected by a privilege; and (3) the College President determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.

### **Notification to Third Parties**

When the College produces a record that is not a public record in response to a request, the Right-to-Know Officer shall notify any third party that provided the record to the College, any person that is the subject of the record, and the requester.

The Right-to-Know Officer shall notify a third party in writing of a record request if the requested record contains a trade secret or confidential proprietary information within five business days from receipt of the record request. If a record has been previously designated as containing a trade secret or confidential proprietary information, written notice of the need for a thirty day extension of time should be provided to the requestor. The written notice to the third party shall advise that the third party has five business days from the date the third party receives notification from the College to provide input on the release of the record.

If a record has been previously designated as containing a trade secret or confidential proprietary information, access to that portion of the record shall ordinarily be denied unless the third party consents in writing to the release of the previously designated trade secret or confidential proprietary information. Release of information previously designated as containing a trade secret or confidential proprietary information should only be made after review by the College's solicitor.

### **Denial Of Request**

If the Right-to-Know Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. Name, title, business address, business telephone number, and signature of the Right-to-Know Officer on whose authority the denial is issued.
4. Date of the response.
5. Procedure for the requester to appeal a denial of access.

The Right-to-Know Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency.

The Right-to-Know Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing or transmittal date of the Open Records Officer's response or deemed denial.

The address of the Office of Open Records is as follows:

Office of Open Records  
333 Market Street, 16th Floor  
Harrisburg, PA 17101

*\*Policy approved by Erie County Community College Board of Trustees:*

**March 10, 2021**

**September 22, 2021**

*\*Review Deadline: **September 22, 2026***



### **Policy II.B.3 Affirmative Action**

It is the policy of Erie County Community College to take affirmative action to recruit and to employ members of protected groups. Under Federal Executive Order 11246 as amended, protected minority groups are defined as African Americans, Asian Americans, Hispanic Americans, and Native Americans. All women are designated a protected group. The protected groups are those groups of persons who have historically been most disadvantaged by discriminatory practices, including practices formerly sanctioned by law.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

### **Policy II.B.4 Copyright Compliance**

Erie County Community College requires all students and employees to comply with applicable federal, state, and local laws governing copyrighted materials, which grant authors, publishers, and creators control over the copying, distribution, transmission and performance of their original works. The College acknowledges the Fair Use doctrine (section 107 of the U.S. Code Title 17 on Copyright) and the responsibility of the College to provide information and guidance to students and employees. Copying of materials or other uses not specifically allowed by the law, fair use, license agreement, or the permission of the copyright holder is strictly prohibited. Students or employees who willfully disregard the copyright policy are in violation and do so at their own risk and assume all liability. If the reproduction of the copyrighted material does not meet the fair-use guidelines, written authorization must be obtained.

#### **The Four Factors that Govern Fair Use:**

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
- The nature of the copyrighted work
- The amount and sustainability of the portion used in relation to the copyrighted work as a whole
- The effect of the use upon the potential market for or value of the copyrighted work

#### **The College will:**

- Inform students and employees about the application of the four factors governing fair use.
- Provide notice to students that materials used in connection with courses may be subject to copyright protection.
- Assist employees, if requested, in obtaining permission to use copyrighted materials.

### **TEACH Act**

The Technology, Education and Copyright Harmonization (TEACH) Act amends Sections 110(2) and 112 of the Copyright Act of 1976 to give instructors at accredited nonprofit educational institutions greater flexibility to use third party copyrighted works in online course delivery.

The Act permits the display and performance of virtually all types of works during online instruction without the consent of the copyright owner, provided that:

- The online instruction at an eligible institution is mediated by an instructor
- The transmission of material is intended only for receipt by the students enrolled in the course, regardless of where the students are physically located
- The institution employs measures to prevent “retention of the work in accessible form by recipients of the transmission for longer than the class session”
- The institution employs measures that limit the transmission of the material to students enrolled in the particular course and precludes unauthorized student retention and/or downstream redistribution “to the extent technologically feasible”
- Use of the material is clearly for educational, not entertainment purposes

### **PROCEDURES**

Every attempt will be made to assist students and employees who need information so that they can remain in good standing with copyright law.

### **GUIDELINES**

Erie County Community College students or employees using copy machines or other devices for reproduction of any material are responsible for familiarizing themselves with provisions of the copyright law and fair-use guidelines before copying or reproducing any material. To this end, copies of the law and guidelines will be prominently displayed near copying or other reproduction devices wherever they are permanently installed.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***



### **Policy II.B.5 Clery Act**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a Federal law that requires colleges to report criminal activity and statistics on their campuses to the federal and state governments. This information will be reported annually by Erie County Community College along with statistics documented by local law enforcement agencies.

*\*Policy approved by Erie County Community College Board of Trustees: **April 7, 2021***

*\*Review Deadline: **April 7, 2026***

### **Policy II.B.6: Use and Duplication of Software**

Erie County Community College forbids, under any circumstances, the unauthorized reproduction of software or the use of illegally obtained software. Using College equipment to make illegal copies of software is prohibited. Employees and students of the College who violate this policy are subject to disciplinary action. Individuals who violate federal copyright law and software licensing agreements may also be subject to criminal action and/or civil action by the owner of the copyright. The College purchases or licenses the use of copies of software from a variety of outside companies. The College does not own the Copyright to this software or its related documentation and, unless authorized by the software developer or copyright Owner, does not have the right to reproduce it for use on more than one computer. The College will make a reasonable effort to correct any discovered instances of illegal software by deleting it. The College will not defend or indemnify any employee or student of the College who makes unauthorized copies of software programs or otherwise violates the terms on which any software programs are licensed. Individuals are responsible for familiarizing themselves with the copyright provisions of the software they use.

Erie County Community College, along with many other colleges and universities, supports the following statement from the 1987 brochure entitled "Using Software," distributed by EDUCOM (a non-profit consortium of over 450 colleges and universities):

1. Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, the right to privacy, and right to determine the form, manner, and terms of publication and distribution.
2. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.

Employees and students of the College are required to adhere to any specific conditions or restrictions required by the licensing agreements for software programs purchased or licensed with College funds. In addition, the following general conditions apply:

1. It is illegal to copy a software program, such as but not limited to Office Applications Tools or Suites, Database Processing Tools, Anti-Virus Utilities, or Operating Systems, and install that single program for simultaneous use on more than one machine except where specifically licensed otherwise.
2. Unauthorized copies of software programs may not be used knowingly on College equipment. This applies even though the individual may not have made the illegal copy.
3. Employees and students of the college are prohibited from making, assisting in making, or knowingly using illegal copies of software on college equipment.
4. Employees and students of the college are permitted to make an archival (i.e., back-up) copy of a software program unless prohibited by the software licensing agreement, but any copy so created must be used solely for archival purposes and all archival copies of a particular computer program must be destroyed if the continued possession of that computer program ceases to be rightful.

Under U.S. copyright law, unauthorized software duplication constitutes "copyright infringement" and is punishable by a fine of up to \$250,000 and imprisonment for up to five years. Federal law also permits the recovery of "actual damages" sustained by the copyright owner, based on the number of copies produced. However, even if the copyright owner is unable to prove "actual damages", it may be entitled to "statutory damages" ranging up to \$100,000 for willful copyright infringement.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy II.B.7: Acceptable Use Policy for Interactive Systems**

In support of its mission, Erie County Community College provides access to computing and information resources for students, faculty, staff, members of the Board of Trustees and other parties that may be given access to the College's interactive systems within institutional priorities and financial capabilities. Interactive systems are defined as those devices that are connected to the



College network infrastructure whether directly or remotely. This is to include all equipment connected to the College network for the use of data transmission or processing using the College infrastructure. Remote connection may be accomplished via dial-in, VPN or other secure methods.

All members of the College community who use the College's computing and information resources are responsible to safeguard the integrity of these resources, respect the rights of other computing users, and abide by all pertinent license and contractual agreements. It is the policy of Erie County Community College that all members of its community act in accordance with these responsibilities, any relevant laws and contractual obligations, and the highest standard of ethics and integrity.

Social networking services/sites can provide a virtual community external to the College. Members create their own online "profile"

with biographical data, pictures, likes, dislikes and any other information they choose to post. They communicate with each other by voice, chat, instant message, videoconference and blogs, and the service typically provides a way for members to contact friends of other members. Examples include but are not limited to Facebook, LinkedIn, Instagram, etc.

The use of information technology must remain in keeping with the philosophy and mission of Erie County Community College. Users' must abide by this and any other relevant policies, procedures and guidelines.

The College also recognizes federal, state, and local laws in regard to copyright, privacy, or any other statutes that relate to the online environment, as binding upon users of the College's interactive system as well as employees identifying an affiliation with the College when using any social networking service.

Erie County Community College's interactive systems are intended for use as an educational tool, and as such supports the teaching, learning, research, community engagement and campus activities of the College community and facilitates the management of administrative functions. The College, therefore, provides students, faculty and staff and others access to the technology resources and interactive systems of the College. This policy applies to all users of the College system and any others to whom the College wishes to make the system available.

The College makes no guarantees of any kind, either express or implied, that the functions or the services provided by or through the College's system will be error-free or without defect. The College will not be responsible for any damage users may suffer, including, but not limited to, loss of data or interruptions of service. The College is not responsible for the accuracy or quality of the information obtained through or stored on the system. The College will not be responsible for financial obligations arising through the unauthorized use of the system.

The College's Director of Information Technology will oversee the College's system by working with other College officials, government agencies and appropriate regional, state and national organizations as necessary.

The use of the College's interactive systems is a privilege, not a right, and inappropriate use can result in a termination or suspension of some or all of those privileges. Users will be expected to abide by generally accepted rules of network etiquette.

### **Privacy**

While the College does not intend to routinely review the contents of files on the system, the College will engage in routine maintenance and monitoring of the system. Accordingly, system users should have no expectation of privacy using the College's system, including personal e-mail messages and other data files.

Routine maintenance and monitoring of the system may lead to the discovery that a particular user has or is violating the College's Acceptable Use Policy, or applicable law. The College will cooperate fully with local, state, and federal officials in any investigation concerning or relating to any illegal activities conducted through the College system.

An individual search will be conducted if there is reasonable suspicion that a user has violated the law or the College's Acceptable Use Policy. The nature of the investigation will be reasonable and in the context of the nature of the alleged violation.

College employees should be aware that their personal files (including personal e-mail messages) may be discoverable in court or agency proceedings and possibly elsewhere.

Use of the College system to access or attempt to access student or employee information for any use not job-related violates College policy along with state and federal laws. Confidential information, whether it relates to students, employees, or others shall not be disclosed or distributed using the College system or by employees identifying an affiliation with the College when using any social networking service. Exceptions are activities which are in accordance with College policy and federal laws, such as the Family Education Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA) and Gramm-Leach Bliley Act. Federal Laws pertaining to confidentiality of information can be accessed by each federal law's web-site.

Users must not post, transmit, re-post, or re-transmit private information about another person or organization on the College's system without first obtaining the permission of that person or organization.

Employees are prohibited from using a College-provided or personal cell phone or Smartphone camera or video recorder to take, transmit, download, or upload to social networking or video sites either for business reasons or for non-business purposes any photos or videos of College employees, vendors, officials or students without their consent.



## **Unacceptable Use**

Under no circumstances may users attempt to gain unauthorized access to the College's interactive system or to any other computer system through the College's system, or to go beyond their authorized access. This includes attempting to log in through another person's account or accessing another person's files.

Users must not make deliberate attempts to disrupt the College's computer systems' performance or destroy data by introducing or spreading computer viruses or by any other means.

Users must not use the College system to access material that advocates illegal acts, or that advocates violence or discrimination towards other people.

Employees identifying an affiliation with the College may not post content or conduct activities that fail to conform to local, state, and federal laws when using any social networking services.

Under no circumstances will users access the College system to engage in any other illegal act.

## **System Security**

Users are responsible for the use of their individual account and must take all reasonable precautions to prevent others from being able to access or use their account. Under no conditions should a user provide his/her password to another person.

Users must immediately notify the system administrator if they have identified a possible security problem. Users will not attempt to investigate or correct a security problem. Such activity may be construed as an illegal attempt to gain access.

Users must not knowingly post, transmit, re-post or re-transmit information on the College's system that, if acted upon, could spread a virus, cause damage or a danger of disruption.

## **Inappropriate Language**

Members of the College community, as individuals and groups, have the right to exercise their full freedom of expression and association. The College neither sanctions nor censors individual expression of opinion on its systems. The College is committed to creating an educational environment that is free from intolerance directed towards individuals or groups. Respect for rights, privileges, and sensibilities of each other are essential in preserving the College community. There is a wide range of material available on the Internet, some of which may conflict with the particular values of students and employees. The College cannot accept responsibility for any individual user's accessing offensive materials through its computer systems.

Users must not engage in libel, slander, or harassment in violation of College policies, or the use of threatening language.

Users must not knowingly or recklessly post, transmit, re-post, or re-transmit false or defamatory information about a person or organization on the College's system.

The College discourages the use of language that embarrasses or intimidates others.

### **Inappropriate Activities**

Users must not use the College system to access material that is profane or obscene (including pornography). For students, a special exception may be made for potentially inappropriate material if the purpose of such activity is to conduct research and access is approved by the instructor. College employees may access the above material only in the context of legitimate research. Users must not look at, copy, alter or destroy anyone else's personal files without express permission. The ability to access a file or other information does not imply permission to do so.

Users may not use the College system for commercial purposes, defined as offering or providing goods or services for sale or barter to others or purchasing goods or services for personal profit. The College acquisition policies will be followed for purchasing online any goods or services for the College.

Users may not use the system for political lobbying, that is, to express their opinion on political issues to their elected representatives, or to urge others to do so, unless this communication is in support of the academic mission of the College. Students may also use the system to express their opinions to elected officials on political issues if those communications are made in connection with an educational assignment.

## **Use of College Name, Logo or Seal**

Users of the College system, as well as employees identifying an affiliation with the College when using any social networking service, may not use the College's name, logo, or seal in their Pages in any way that implies College endorsement of other organizations, products or services, without first obtaining written permission from the College.

Users may not use College logos or trademarks, including the College seal, without first obtaining written permission from the College.





## **Social Networking**

Employees identifying an affiliation with the College when using electronic social networking services are also bound by all provisions of this policy.

The College recognizes that some employees may, for personal reasons, access, view, operate, and post, download, or upload content to external social networking sites and video sites on their own time via their own computer equipment.

Employees identifying an affiliation with the College when using electronic social networking services must post the following disclaimer: "The opinions expressed on this social networking profile (video site) are my own personal opinions. They do not reflect the opinions of my employer, Erie County Community College."

## **Complaints**

Individuals who have a complaint or a grievance on matters related to this policy, should contact the College's Director of Information Technology. The Director of Information Technology will determine the appropriate College office or department to hear and/or investigate the complaint or grievance.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

## **Policy II.B.8: Policy for Responsible Computing**

In support of its mission of teaching, learning, research, student support and community engagement, Erie County Community College provides access to computing and information resources for students, faculty and staff, within institutional priorities and financial capabilities. All members of the College community as well as visitors and guests who use the College's computing and information resources are responsible for the integrity of these resources.

All users of College-owned or College-leased computing systems must respect the rights of other computing users, respect the integrity of the physical facilities and controls, and abide by all pertinent license and contractual agreements. It is the policy of Erie County Community College that all members of its community act in accordance with these responsibilities, relevant laws and contractual obligations and the highest standard of ethics and integrity.

Access to the College's computing facilities is a privilege granted to College students, faculty and staff and some visitors and guests. Access to College information resources may be granted by the designated administrators of the information based on that administrator's judgment of the following factors: relevant laws and contractual obligations, the requestor's need to know, the information's sensitivity and the risk of damage to or loss by the College.

The College reserves the right to limit, restrict or extend computing privileges and access to its information resources. Designated data owners--whether College units, faculty, students or staff--may allow individuals other than College faculty, staff and students access to information for which they are responsible, so long as such does not violate any license or contractual agreement, College policy or any federal, state, county or local law or ordinance. If there are any questions about potential violations, contact the Chief Information Officer of the College.

College computing facilities and accounts are to be used for College-related activities for which they are assigned. College computing resources are not to be used for commercial purposes or non-College-related activities without written authorization from the College. In these cases, the College may require payment of appropriate fees. This policy applies equally to all College-owned or College-leased computers.

Users and system administrators must all guard against abuses that disrupt or threaten the viability of all systems, including those at the College and those on networks to which the College systems are connected. Access to information resources without proper authorization from the data owner, unauthorized use of College computing facilities, and intentional corruption or misuse of information resources are direct violations of this Policy and may subject the violator to disciplinary action.

### **Users of the College's computing resources or facilities have the following responsibilities**

1. To use the College computing facilities, and information resources, including hardware, software, networks and computer accounts, responsibly and appropriately, respecting the rights of other computing users and respecting all contractual and license agreements.
2. To use only those computers and computer accounts for which authorization has been granted.
3. To use College assigned user accounts only for the purpose(s) for which they have been issued, and to use College-owned computers/devices for College related projects only.
4. To refuse to share computer accounts and to take reasonable steps to protect the confidentiality of each account's password, changing it when required and/or once security has been breached.



5. To report unauthorized use of accounts to the appropriate college authority (e.g., project director, instructor, supervisor, system administrator).
6. To cooperate with system administrator requests for information about computing activities. Under certain unusual circumstances, a system administrator is authorized, and reserves the right, to access individual computer files when it is the administrator's opinion that such action is necessary.
7. To take reasonable and appropriate steps to see that all hardware and software license agreements are faithfully executed on any system, network or server operated.
8. To take responsibility seriously for one's own work performed on a computer. For example, ensure data is saved on a network drive to ensure that backup has occurred and to provide security of one's data.

Access and use violations of computing facilities, equipment, software, information resources, networks or privileges may result in the loss of privileges, disciplinary action and prosecution under appropriate laws.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **SECTION III: Human Resources**

#### **Subsection A: Classification**

##### **Policy III.A.1: Classification of Employees**

Erie County Community College has the following categories of employees:

Regular Full-time (Exempt and Non-Exempt) - A full-time employee of the College who is regularly scheduled to work 40 hours per week for a non-specified period. These include employees in Executive, Administration, Professional and Staff/Specialist positions. Regular, full-time employees are eligible to participate in all benefit plans the company offers once eligibility requirements have been met.

Regular Part-time (Non-Exempt) – A part-time employee of the College who is regularly scheduled for less than 30 hours per week. These include employees in Executive, Administration, Professional and Staff/Specialist positions.

Faculty (Full-time and Part-time) – Faculty hired to teach at the College. Includes full-time and part-time faculty.

Full-time faculty are hired to teach a full-time load (10 courses) during the academic year. Faculty may be reassigned to do administrative work at the discretion of the President.

Part-time Faculty – Faculty hired to teach less than a full load (3 courses per semester). Part-time faculty may be reassigned to do administrative work at the discretion of the President.

Contract and Temporary (Fee-for-Service and Non-Exempt) – A contractor or temporary employee is one who is hired for a defined period of time. The position may be renewed for a defined period of time as needed.

*\*Policy approved by Erie County Community College Board of Trustees:*

***April 21, 2021***

***February 23, 2022***

*\*Review Deadline: **February 23, 2027***

### **SECTION III: Human Resources**

#### **Subsection B: Employment**

##### **III.B.1: Recruitment, Search and Selection of Personnel**

Erie County Community College (ECCCPA) endeavors to attract, identify and hire well-qualified and diverse candidates who are the best fit for position vacancies. In keeping with the College's mission, ECCCPA is committed to diversity at all levels and seeks applications from candidates who share this commitment. The College is an equal opportunity employer and complies with all applicable federal, state and local laws regarding hiring practices. All prospective new hires will be required to successfully complete a background check, including a criminal records check and verification of education and work experience, as a condition of employment. Additionally, individuals seeking employment in positions that involve a significant likelihood of regular contact with minors will be required to provide the College with criminal record and child abuse clearances and comply with such other requirements as may be established under applicable law. Appropriate and adequate funding must be identified and approved



for each position prior to vacancy posting.

### **Confidentiality**

To protect the privacy of candidates and to preserve the integrity of employment recruitment, search and selection process, all search committee members and staff involved in the process are required to maintain confidentiality throughout and after the conclusion of the recruitment process. Confidential information includes the names of applicants and matters discovered or discussed during the recruiting process. All information relating to the search may only be discussed with other search committee members, the Human Resources Department or administrators in the chain of command of the hiring department. Employees who violate this requirement for confidentiality will be subject to disciplinary action in accordance with the College administrative disciplinary action policy.

### **Delegation of Authority**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **III.B.2 Compensation Ranges**

The College recognizes the necessity of maintaining competitive compensation for its employees and of preserving equitable relationships among employees and among organizational levels. Compensation for administrative and other employees is determined by reference to equivalent educational and industry standards and maintained through compensation programs and compensation ranges established by the administration.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

## **SECTION III: Human Resources**

### **Subsection C: Performance Expectations**

#### **Policy III.C.1: Evaluation of Employees**

Erie County Community College requires annual performance appraisals of all employees to create and maintain an environment of excellence. In addition, all new employees will be reviewed within the first 90 days of employment. Dates when the College is closed or the employee did not report for work are not included in the calculation of the first 90 days.

The College will develop and implement procedures and instruments for the appraisal system for all employees. The primary intent of the system is formative, to ensure that employees understand performance expectations and to have an opportunity for professional growth and improvement. The appraisal system, however, will include procedures for addressing employee discipline, suspension and/or termination when appropriate.

*\*Policy approved by Erie County Community College Board of Trustees: **April 21, 2021***

*\*Review Deadline: **April 21, 2026***

## **SECTION III: Human Resources**

### **Subsection D: Benefits**

#### **III.D.1 Military Leave**

Military leave shall be granted in accordance with applicable federal and state law.

#### **Delegation of Authority**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy and to ensure that the military leave, benefit continuation and return to work requirements

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

#### **III.D.2: Reimbursement For Authorized Travel And Business Expenses**

## **I. INTRODUCTION**

Erie County Community College recognizes the necessity for and the intrinsic value in having its employees and trustees participate in meetings, conferences and other activities, which serve the interests of the College. To support these activities, the Board annually approves funding for travel by employees.



## II. POLICY

Erie County Community College employees may be authorized to attend professional conferences, meetings, workshops and seminars at the College's expense and/or during normally scheduled work hours if the purpose of such travel is consistent with the College's mission, goals and priorities and if funds to support travel are in the appropriate budget. The College may restrict all travel for health, safety, and/or financial reasons.

## III. PROCEDURE

### A. Authorization

1. The respective supervisor is authorized to permit personnel to travel at College expense if the purpose of such travel is in accordance with the mission, goals and priorities of the College and if funds are available in the appropriate budget for such travel. A Travel Authorization Form must be completed by the person requesting approval for all travel explaining the purpose of the travel, potential benefit to the College, and projected expenses.
2. Travel by Trustees must be approved by the Chair of the Board or, in the absence of the Chair, the Vice Chair of the Board. Travel funds for Board members must be in the budget of the President.
3. Travel costs and any interference with performance of duties must be justified by offsetting benefit to the College
4. The mode of travel selected shall be that which is most practical and economical.
5. All travel outside the City of Erie requiring a hotel stay requires the prior written approval of the supervisor and Vice President or President.

### B. Initiating the Travel Request

All employees requesting travel authorization must complete the Travel Authorization Request form and submit it to their Supervisor and other authorized approver for approval. All Trustees must complete the Travel Authorization Request form and submit to the Chair of the Board (or Vice Chair) for approval. No form will be considered complete unless all required signatures for authorization have been obtained. The travel authorization form should be submitted as soon as possible but no later than ten (10) business days prior to the travel date. Any waiver of the time frame for submission requires approval of the Vice President.

### C. Making Travel Arrangements

1. Travel arrangements should be made by the traveler with exception of vehicle rentals. The Controller will assist with arrangements for hotel, rail and airfare. The Controller may have discount contract rates available to employees or trustees. Conference registration is to be arranged by the traveler.
2. Traveler must select the lowest possible coach airfare or train fare that meets the business needs of the College.
3. If the traveler's plans change and the airline ticket is no longer of use, the traveler must immediately contact the Controller. If the ticket has value, it must be used for College business only.
4. Transportation to and from airports and train stations
  - a. Travelers must use the most practical and economical mode of ground transportation to and from airports and train stations (e.g., hotel and airport shuttle services, shared ground transportation, etc.).
  - b. Travelers must use the most practical and economical mode of ground transportation to and from their residence. Shuttle service is permitted if it is the most cost effective method.
5. If the traveler takes an indirect route for other than a college business purpose, or interrupts a direct route of travel, the traveler is responsible for all costs above and beyond those that would have been incurred by traveling the direct route.
6. Vehicle Rental
  - a. Rentals must be arranged by the Controller.
  - b. If driving is the most efficient and cost-effective mode of travel and a rental car is utilized, the rental should be an appropriately sized vehicle.
  - c. If a rental accident occurs, the traveler should immediately contact:
    - i. the vehicle rental company, in accordance with the company's requirements for reporting accidents;
    - ii. local authorities, as required;
    - iii. his/her supervisor;
    - iv. the Controller (no later than 24 hours).
  - d. The College will not provide reimbursement if the rental is not arranged by the Controller.
7. Personal Vehicles
  - a. If the approved mode of travel is by personal automobile, the traveler will be reimbursed based on the IRS allowable reimbursement rate for business miles plus expenses related to tolls and parking. Business miles are based on the most direct route. At the conclusion of the trip, the traveler must complete the Travel Reimbursement Form indicating the expenses associated with the travel and a Check Request Form and submit it to the Controller's Office along with all accompanying receipts for which reimbursement is sought. The traveler will be responsible for all fuel, towing and maintenance costs related to his/her private automobile and for carrying adequate personal insurance coverage for his/her vehicle and occupants.



- b. A traveler should review his/her personal insurance coverage prior to using his or her vehicle for college business and consult with his/her insurance agent to determine appropriate coverage. The traveler's insurance is the primary insurance coverage when using a personal vehicle for travel related to College business. The traveler must provide proof of insurance with the Travel Authorization Request form if driving their own vehicle.
- c. The College will not provide reimbursement for repairs to personal cars, even if the costs result from college business travel or travel between the personal residence and regular work location of traveler.
- d. If a personal car is involved in an accident while on College business travel, the traveler should immediately contact:
  - i. his/her insurance company;
  - ii. local authorities, as required;
  - iii. his/her supervisor;
  - iv. the Controller.

#### 8. Lodging

- a. When attending a conference, all attempts should be made to reserve rooms at the conference site. If that is not possible, reservations will be made at the closest hotel charging at or below the federal rate for lodging. See maximum lodging rates for all U.S. States, territories, and possessions established by the U.S. General Services Administration for allowable lodging expenses (<http://gsa.gov/portal/category/100120>).
- b. Travelers are encouraged to make their own hotel arrangements. However, in the event that the Controller's Office will issue a check for the cost of the hotel stay, all checks will be made payable to the hotel and it will be the responsibility of the traveler to submit the request for payment to the Controller in a timely fashion so it can be mailed to the hotel. Check pick-ups cannot be permitted for travel. Upon checkout, the hotel will issue the traveler a receipt indicating the applicable room rate and the total amount charged for the stay. The hotel receipt and related documentation must be submitted to the Controller's Office immediately upon return from travel.
- c. Upon arrival at the hotel, the traveler must use their own method of payment (e.g. personal credit card) to guarantee payment for any charges above the negotiated room fee (e.g. pay-per-view, personal telephone calls, and in-room bar, dining to the extent in excess of the meal allowance below, among others).
- d. The traveler is responsible for canceling hotel room reservations when necessary. The traveler must request and record the cancellation number in case of billing disputes. Cancellation deadlines are based on the location of the property (e.g., Pacific Time Zone when the property is in California). Expenses incurred as a result of a failure to cancel a hotel reservation are the responsibility of the traveler. The Vice President or President may authorize exceptions to the traveler's responsibility of expenses related to a lodging "no show" based on an approved written explanation indicating the reason/s for the failure to cancel the reservation in a timely manner.

#### 9. Meals

- a. The maximum per diem meal allowance for each full day of travel is established by the U.S. General Services Administration for allowable meal expenses (<http://gsa.gov/portal/category/100120>). Detailed, itemized receipts for meals including names of attendees and business purpose are required. The College will only reimburse traveler's meals that are not otherwise paid for or provided. Therefore, the College will not reimburse breakfast, lunch, or dinner if provided as part of the conference, meeting, or other business activity necessitating the travel. Without exception, the College will not reimburse the traveler or pay for any expenses related to alcoholic beverages.

#### 10. Tips

The maximum per diem tip allowance is \$10 per day exclusive of meals and transportation. This includes tips for baggage handling, room service, hotel maid service, etc. Receipts for tips are not required. However, tipping for meals may not exceed 20%.

#### 11. Group Travel

Group Travel should be made through the Controller

- a. The sponsoring College department must provide a list of traveler names to Human Resources.

#### 12. International Travel

- a. Currency Exchange
  - When charges are in foreign currencies, travelers must:
    - i. Submit foreign expenses in U.S. dollars using the exchange rate in effect during the dates of travel;
    - ii. Include documentation indicating the exchange rates used to make the conversions; and
    - iii. For purchases made with a credit card, use the exchange rates provided by the credit card company for purchases made with a credit card.

### D. Reimbursable and Non-Reimbursable Expenses

It is the responsibility of the traveler to obtain original itemized receipts for all allowable expenses. The Controller will not reimburse the traveler for any costs without an itemized receipt. Only authorized costs, accompanied by the appropriate receipt, will be reimbursed. It is suggested that the traveler call the Controller if they are unsure whether an expense will be covered.

The following are examples of reimbursable and non-reimbursable expenses for College-approved travel:



1. Wi-Fi if required for College business; meals; tolls; transportation to and from the airport; telephone calls related to official College business only; conference registration expenses; or other expenses associated with the travel, so long as the expense is essential to the transaction of College business and in accordance with the limits outlined in this policy.
2. The following are examples of expenses not allowed for reimbursement:  
Alcoholic beverages, hotel gyms, mini-bars, in-room movies, entertainment, laundry, vehicle fines, and personal phone calls.
3. Travel Expense Reports must be submitted to the Controller's Office within 10 business days of the return from travel.
4. Cash advances will not be provided unless a hardship can be demonstrated. Approval by the Vice President is required.

#### **E. Timing of Event and Reimbursement**

Reimbursements for meals, lodging and other expenses will normally be limited to expenses incurred during the day(s) of the meeting, conference or other business activity attended by the traveler. Expenses incurred on additional days may be reimbursed if extending the period results in reduced airfare sufficient to cover the additional meals, lodging and other expenses or it is not possible to arrive and/or depart on the day(s) of the meeting, conference or other business activity attended by the traveler

#### **F. Partial Reimbursement**

1. If expenses are partially covered by another organization, the College may accept copies of receipts in place of originals. The voucher must include the name of the organization that is paying the partial reimbursement, what is being reimbursed, and the amount reimbursed.
2. If any meal is provided by the conference, hotel, or any other source, the traveler should reduce the per diem meal allowance by the amount allowed.
3. The per diem allocation for meals, which is intended to cover breakfast, lunch, and dinner for each full day of travel is located at (<http://gsa.gov/portal/category/100120>).

#### **G. Other Means of Transportation**

The College may provide reimbursement for other commercial means of transportation such as train or bus. However, reimbursements must not exceed the cost of reasonable coach airfare or other reasonable transportation costs to the same destination.

#### **H. Personal Travel Combined with Business Travel**

The College will only reimburse for the business portion of a trip. The traveler must provide evidence to support the business portion of the trip and the allocation between the business and personal expenses. A quote for the business-related travel must be obtained at the time of ticketing to document the incremental costs that will be treated as personal expenses. This quote must be submitted along with the Travel Request form.

#### **I. Reimbursement Payment**

1. The Controller will generally send reimbursements of approved expenses to employees within fifteen business days of the receipt of the official Travel Form, along with all accompanying receipts. Forms submitted for travel reimbursement must be signed by the supervisor, or President.
2. Willful violations of this policy, including falsification of expense reports, will be grounds for disciplinary action, up to and including denial of requested reimbursements and/or termination of employment.

#### **J. Recruitment**

The payment for travel of prospective employees and their families must receive prior written approval by the President or by the Board of Trustees if the recruitment is for the position of President.

#### **K. Travel Between Sites Using Personal Vehicles**

Authorized travel for operational purposes may be reimbursed

#### **L. Local Travel**

1. Entertainment Expense  
Entertainment expenses are limited to Board of Trustees and the President incurred in connection with their job responsibilities. Local entertainment expenses may be incurred while conducting ordinary and necessary business for the College such as fundraising, public relations activities and other College events. Expenses may include meals, transportation, parking, tolls, meeting rooms and conference facilities. Business meals that include charges for alcoholic beverages incurred by a member of the President's Cabinet or Board of Trustees must be properly approved by the President and separately itemized on meal receipts. Alcohol charges are unallowable for sponsored projects (grants). Alcoholic beverages for entertainment functions held in Pennsylvania must be purchased in Pennsylvania.
2. Business Expense  
Local business expenses include local conference or seminar fees, meals, parking fees and other out-of-pocket expenses while attending local workshops or business meetings. Approval of local business expenses will follow Section III A.1.

#### **M. Other**

Exceptions to this policy are subject to the approval of the President.



## SECTION III: Human Resources

### Subsection E: General

#### Policy III E.1: Conflicts of interest

The purpose of this policy is to ensure that the College serves the public interest, ensures impartiality, ensures the integrity of the institution, and supports the College's commitment to ethical practices, including the avoidance of the appearance of a conflict of interest.

1. No trustee or employee shall use the authority of his/ her office or employment, or any confidential information received through his/her public office or employment, or vote upon, negotiate, ratify, or execute any contract for or on behalf of the College in which his/her judgment or loyalty to the College might reasonably be subject to question by reason of his/her personal financial interest or that of his/her immediate family or of any business in which the trustee or employee or his/her immediate family is a director, officer, partner, owner, or other principal. For purposes of this provision, "immediate family" shall include a parent, spouse, child, brother or sister;
2. No trustee or employee, nor his/her spouse or child, nor any business in which the trustee or employee or his/her spouse or child is a director, officer, partner, owner or other principal shall enter into any contract (other than one pertaining to the terms of his/her employment) with the College unless the contract has been awarded through an open, public and competitive (where appropriate) process--and then only after full disclosure of such interest, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the trustee or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract;
3. No trustee or employee shall accept a gift or thing of greater than minimal value in any form, unless consideration of equal or greater value is provided, from any person (including students or persons acting for or on behalf of students) or entity having any business, association, or relationship with the College.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

## SECTION III: Human Resources

### Subsection E: General

#### Policy III.E.2: Nepotism

##### I. INTRODUCTION AND DEFINITIONS

Erie County Community College's nepotism policy is designed to prevent occurrences whereby there may be a conflict of interest regarding relatives who are employees or potential employees of the College.

Nepotism is defined as favoritism or potential favoritism based on kinship and the conflicts of interest and loyalties that may result therein.

The definition of "**kinship**", **for the purposes of this policy**, includes a spouse, civil union partner, domestic partner, or the parent, child, brother, sister, aunt, uncle, niece, nephew, cousin, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister. The relationship includes those by blood, marriage or adoption. For purposes of this policy, kinship also includes previous relationships that may have been dissolved.

Kinship is synonymous for purposes of this policy with the term "relative."

##### II. POLICY

- A. The College prohibits relatives of prospective employees from sitting on any College search committee in which they may have influence on the outcome of future hires among the faculty or staff.
- B. Relatives may be employed at the College; however, under no circumstances may an employee directly supervise another employee who is a relative.
- C. Under no circumstances may any member of the College's trustees, officers, administrators, faculty or staff exert pressure on any hiring committee or promotion committee with regard to an applicant or candidate who is a relative.
- D. Disciplinary matters involving employees may not be conducted by, or similarly involve, an employee who is related to the employee who is under consideration for disciplinary action.
- E. The adjudication of all decisions regarding students, including decisions related to academic or student matters may not involve an employee who is related to the student(s).
- F. All employees must disclose the following **whenever it occurs**:
  1. The planned direct participation in a College decision that would involve a direct benefit or detriment to a relative or former relative.
  2. A change in the status of a relative relationship.



- G. Anyone found to be in violation of this policy will be subject to disciplinary action, up to and including a recommendation for termination from employment.

*\*Policy approved by Erie County Community College Board of Trustees: May 26, 2021*

*\*Review Deadline: May 26, 2026*

### **SECTION III: Human Resources**

#### **Subsection E: General**

##### **Policy III.E.3: Outside Employment**

#### **I. INTRODUCTION AND DEFINITIONS**

Erie County Community College of Pennsylvania (ECCCPA) recognizes that outside work, in modest amounts of time and service, can advance the professional development of an individual and magnify the College's contribution to society. However, proper performance of College duties may be hampered by outside employment. ECCCPA's outside employment policy is designed to provide guidance on the College's expectations with respect to any conflict of interest experienced and to prevent interference with performance of College duties.

Outside employment is defined as working for another employer, being self-employed, or providing consulting arrangements or paid board services.

An outside employment conflict of interest may be defined as any situation in which outside employment would or could reasonably be perceived to conflict with the best interests of ECCCPA or with the employee's performance of College duties.

#### **II. POLICY**

Erie County Community College of Pennsylvania is a public institution with a critical educational mission. Therefore, ECCCPA full time employees place their primary focus on their jobs with the College and avoid any conflict of interest or the appearance of conflict of interest with those primary responsibilities. Outside or additional employment should be limited to the extent that it could jeopardize that primary focus or could present a real or apparent conflict of interest. Part time employees' outside employment similarly must not interfere with the expectations of a College part time assignment.

Regular full-time employees should not take paid employment outside the College which might affect their performance on the job at ECCCPA, constitute a conflict of interest, cause work schedule conflicts, result in the misuse of College resources, and/or otherwise have an adverse effect on the College.

College resources (e.g. supplies, facilities, equipment, staff) may not be charged to or supplied by the College for outside employment.

Employees who wish to participate in outside and/or additional employment are required to disclose their intent to their immediate supervisor and to Human Resources, prior to the inception of such employment, to ensure the activity does not conflict with their primary job and to avoid conflict of interest or the appearance of conflict of interest with their responsibilities at ECCCPA. The College reserves the right to disapprove of any such employment that would reflect negatively upon the institution, adversely affect the employee's performance of college duties, or present any conflict of interest issues.

*\*Policy approved by Erie County Community College Board of Trustees: May 26, 2021*

*\*Review Deadline: May 26, 2026*

### **SECTION IV. Academic Affairs**

#### **Subsection A. Student Learning**

##### **Policy IV.A. 1. Assessment of Student Learning Outcomes**

The College is committed to maintaining standards of excellence, providing students the opportunity to learn what the College and disciplinary fields expect. Student Learning Outcomes will be developed at the course, program and institutional level, to include General Education. These learning goals, objectives and outcomes shall include what students are expected to know, understand and/or be able to do after completion of courses and programs. These outcomes must be observable, measurable and able to be demonstrated. The documentation of Student Learning Outcomes provides focus and direction for curriculum design and student learning outcomes assessment.

The faculty shall utilize data regarding student learning to support the quality, effectiveness and continuous improvement of academic courses and programs. This data shall ensure that students are learning what we want them to learn, and will provide the basis for making programmatic improvements based on assessments.

Development of plans for assessment of Student Learning Outcomes in courses, degree and certificate programs and at the institutional level shall involve faculty, academic departments, and other Academic units as appropriate. Assessment plans shall





include a periodic review process. The process shall provide evidence of student learning, highlight steps where improvement is needed and demonstrate where learning has improved. Assessment shall be an ongoing effort for continuous improvement of student learning. In addition, results shall be used to review the assessment process itself. The College will post the Student Learning Outcomes for all programs as appropriate.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

#### **Policy IV.A.2: Assignment and Use of Grades**

Students officially enrolled in a class by the end of the semester must be assigned a final grade for the class by the course instructor. The primary purpose of a grading system is to document evaluation of student learning and inform the student of his or her academic progress.

The following represents grading standards at the College:

- A = Academic achievement of superior quality 4.0
- B = Academic achievement of high quality 3.0
- C = Academic achievement of satisfactory quality 2.0
- D = Academic achievement of minimal quality required for course credit 1.0
- F = Academic achievement below the minimum required for course credit. 0.0
- W = Official Withdrawal. No course credit. 0.0
- I = Incomplete. See below for Incomplete Grade policy.
- AU = Audit. No course credit. 0.0

Grades may be withheld if all financial commitments to the College have not been met. A student who earns a grade of D or F in a course may repeat the course one time; the approval of an Academic Dean is required for the student to repeat the course more than once. A student who earns a grade of B or C in a course may repeat the course but only with an Academic Dean's approval. The original final grade earned in a repeated course will appear on the transcript but only the most recent grade, also transcribed, will count toward the G.P.A. (grade point average).

Students may access semester grades and transcripts and shall be notified of the grading system and requirements for academic credit courses by publication in the course outline, course catalogs and student handbooks and/or other means of communication approved by the administration. Students will be responsible for being cognizant of grading policies and requirements, and changes or revisions made to such requirements, in the instructional program or programs in which they are enrolled.

#### **Incomplete Grade**

After 75% of the course time has been completed and prior to the last class meeting, students with satisfactory academic standing who are unable to complete their coursework due to valid, unforeseen circumstances can seek an incomplete grade of I with the permission of the instructor. If the request is approved, the instructor shall provide an agreement of the work to be completed and the student must complete the appropriate institutional form. The deadline for completing the course requirements shall be no more than 90 days after the final day of the semester in which the Incomplete grade was issued. An I grade shall be changed to an F grade when the agreement of work is not satisfied or when more than 90 days from the final day of the semester have elapsed.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

#### **Policy IV.A.3: Online Learning Testing & Identity Verification**

In compliance with federal regulations (34 CFR 602.17(g)), online instructors shall require students who participate in such classes and/or take exams to verify their identity by using a secure login, a pass code, a webcam, and a microphone; or to take proctored exams.

Students may be required to have photo identification for proctored examinations, which may include video and audio recording with consent of the student. In addition, new or other technologies and practices to assist in verifying student identity may be utilized.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***



## **SECTION IV. Academic Affairs**

### **Subsection B. Courses, Curricula and Programs**

#### **IV.B.1. Advisory Committees**

To ensure quality and relevant programs and curricula, with strong connections to the broader community, each certificate and degree program shall establish a local advisory committee. The main purpose of these committees shall be to help ensure that knowledge and skills students receive in the program are current with what is needed in the workforce or area of study.

Advisory Committee members shall be composed of experts in the respective discipline(s). These non-governing bodies provide counsel/advice to the faculty and administration without legislative authority or compensation.

Committee recommendations may include but are not limited to curriculum development and review, assessment of community needs, projected industry standards and employment competencies, emerging trends in the field of study, student placement opportunities, student research opportunities and or internships, experiential learning opportunities, assistance in identifying facilities and obtaining equipment, student recruitment and legislative or financial support.

Each Committee will meet, at minimum, once per academic year. Based on the needs of the program area, additional meetings may be scheduled as needed.

Guidelines for selection of the Committee chair and terms of appointment shall be developed by appropriate College officers.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

#### **Policy IV.B.2: Course/Curriculum Development and Approval**

The Middle States Commission on Higher Education sets standards for design and delivery of the student learning experience: An institution shall provide students with learning experiences that are characterized by rigor and coherence at all program, certificate, and degree levels, regardless of instructional modality. All learning experiences, regardless of modality, program pace/schedule, level, and setting shall be consistent with higher education expectations.

This policy sets the minimum requirements to approve a new credit course or program in order to ensure that the College meets the requirements of Pennsylvania Department of Education regulations as defined by Chapter 35 and 335 (effective July 1, 1997) as well as Middle States Commission on Higher Education accreditation standards and quality measures.

All credit courses and programs must reside in an academic unit. Faculty shall bear responsibility for developing courses and programs, followed by administrative review and approval. Final approval shall reside with the College President.

All courses and curricula shall include clearly defined student learning outcomes and plans for evaluation of these outcomes. These outcomes will in turn generate activities and assignments for the course and/or program being developed. Associate degree programs shall be designed to ensure that students have received a broad educational experience through the development and implementation of general education requirements and competencies that support the College's mission and goals. All certificate and degree programs shall be designed to foster a coherent student learning experience and to promote synthesis of learning. Courses and curricula shall be designed to create a vibrant intellectual experience, expand awareness, and prepare students to make well-reasoned judgments outside as well as within the curricular area. Curricula shall further be developed to ensure that students acquire and demonstrate essential skills including at least oral and written communication, scientific and quantitative reasoning, critical analysis and reasoning, technological competency, and information literacy.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

#### **Policy IV.B.3: Course Syllabus Adoption and Use**

Instructors shall provide a course syllabus to each student at the first meeting of the course. Syllabi shall also be made available electronically. The syllabus becomes the contract between the instructor and student for student learning outcomes, assignments, methods of assessment, and attendance policies. The course syllabus must clearly communicate and include the approved course title and description, credit hours awarded, faculty name and contact information, required course materials, measurable course level student learning outcomes, course objectives, major assignments, grading policies that include assessment methods and grading scale, attendance policies, course schedule, and an overview of College policies and services to include information on the Student Academic Code of Conduct and accessibility accommodations.

If there is a standard syllabus approved for a course, faculty shall be required to use the approved syllabus. Individual syllabi must be turned in to and approved by the academic unit prior to the start of each semester the course is offered and faculty shall teach



according to the syllabus.

Syllabi should be reviewed annually by those faculty members teaching that course and appropriate changes made to reflect changes to include textbook selection, catalog changes or to add information to ensure the syllabus is current. If a standard syllabus is developed, it shall be approved during the semester prior to the course being taught for the first time.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

#### **Policy IV.B.4: Textbook and Course Materials Adoption**

Appropriate course learning materials to include textbooks in digital or print formats, are essential to ensuring students have full access to the instructional process. Depending on the nature of the course such appropriate materials may vary. Further, the College recognizes that the cost of textbooks and course materials may create a significant barrier to student learning, retention and success. This Policy creates a college-wide framework for ensuring timely, cost-effective and high-quality textbook and course material adoption. The Higher Education Opportunity Act (HEOA) of 2008 and amended in 2010, includes provisions whose primary objectives are to increase transparency in textbook pricing, to provide more time to comparison shop for classroom resources, and to contribute to lower-priced textbooks for students. In the spirit of HEOA, academic units are encouraged to adopt their textbooks and materials for at least two academic years based on the "ideal textbook life cycle"; the more times a textbook can be sold as used, the greater the cost savings for students.

Academic units are encouraged to consider OER, Open Educational Resources whenever appropriate.

To standardize the textbook adoption procedure each academic unit shall establish common textbook requirements for each course. It is preferred that all delivery methods use the same text, but in some cases such as online learning, alternative digital material may be preferable. Individual faculty members may require supplemental texts and or material for their course(s) with the approval of the Dean.

Deans will be responsible for ensuring that all pertinent courses under their authority have adoptions submitted by required deadlines. If an adoption is not received by the deadline, materials previously used for the course will be authorized.

Textbooks or course materials should be selected for adoption for a course based on consensus of the faculty whenever possible. If a consensus cannot be reached, the Dean will be responsible for making the selection. If only one instructor exists for a course, they may select the textbook or course material to be adopted.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

#### **Policy IV.B.5: Course and Program Review and Evaluation**

This policy sets the minimum requirements to modify or delete an existing credit course or program in order to ensure that the College meets the requirements of Pennsylvania Department of Education regulations as defined by Chapter 35 and 335 (effective July 1, 1997) as well as the Middle States Commission on Higher Education accreditation standards and quality measures. Periodic assessment of the effectiveness of programs providing student learning opportunities is essential to ensuring and maintaining a quality learning experience for students.

Faculty shall bear responsibility for revising courses and programs and all proposed additions, modifications and deletions shall be reviewed and approved by appropriate administrative channels. Final approval shall reside with the College President. Provisions must be made to ensure enrolled students in a program of study are not prevented from completing the program of study as a direct result of the requirements implemented with a program addition, modification or deletion.

All courses and programs shall be reviewed and assessed on an approved periodic basis. Such review shall be clearly defined, organized and systematic, conducted by faculty and/or appropriate professionals, evaluating the extent of student achievement of course and curricular goals. Assessment results shall be used for the improvement of educational effectiveness.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

#### **Policy IV.B.6: Course Section and Class Cancellation**

Formation and continuation of course sections and classes are subject to factors to include adequate enrollment. The administration reserves the right to cancel a course or section, to change the time of meeting, to subdivide a section, or to combine two or more sections as circumstances may require.

When a course section is withdrawn from the schedule, a student actively enrolled in that course at the time of withdrawal will be given full refund of tuition and the fees associated with the course. Students will be notified when such cancellations occur and are



encouraged to speak to an advisor to discuss alternative course selections.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

#### **Policy IV.B.7: Academic Program Discontinuation**

The College recognizes that its academic programs must be responsive to the needs of the students and the community it serves in support of its mission. To that end, the College periodically reviews its academic programs to ensure quality and/or viability. Such reviews may result in the recommendation to discontinue a particular academic program. The final authority to discontinue an academic program rests with the College President and/or his or her designee.

Provisions shall be made to ensure that students enrolled in an academic program being discontinued are not prevented from completing that program in a reasonable amount of time, and a smooth transition for students is identified. Students shall be encouraged to consult with College faculty and/or advisors to design an educational plan in order to complete coursework prior to the program's discontinuation.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

### **SECTION IV: Academic Affairs**

#### **Subsection C: Student Academic Matters**

##### **Policy IV.C.1: Academic Code of Conduct for Students**

Erie County Community College students must maintain honest and ethical standards in all assigned academic work. Academic work submitted or otherwise presented by students shall honestly represent their personal effort. Students who practice academic honesty demonstrate respect for the educational process and support a culture of academic honesty. The Academic Code of Conduct and the Student Code of Conduct create an integrated ethics policy for the College.

Academic honesty includes, but is not limited to, the following;

- Presenting verifiably accurate information and respecting documentation in all work and assignments. Assignments include, but are not limited to, hardcopy or electronic papers, homework, exams, laboratory exercises, projects, clinical experiences, performances, exhibits, and presentations.
- Truthfully conveying the results, data, or conclusions for any assignment, without embellishment or misrepresentation.
- Avoiding plagiarism in presenting work of one's own. This shall include crediting any and all sources used to create one's work, representing any and all sources used accurately and with the proper citation, accurately and completely reproducing direct quotes from another's work without altering the meaning, always using quotation marks and proper citation, rewording (paraphrasing) ideas and concepts found in other sources with integrity.
- Ethically completing one's own exams and assignments.
- Only submitting one's own work, never copying answers from another person or submitting another person's work as one's own.
- Never using any unauthorized resources during an exam or while completing assignments. Unauthorized resources include, but are not limited to notes, electronic devices, solution manuals, sentence generators/translators, Cliff's Notes, tutorial services or anything not permitted by the instructor or proctor.
- Refraining from aiding and abetting the cheating of others. Cheating may include, but is not limited to doing another student's assignment or writing or re-writing a major portion of a student's assignment, giving a student answers to exam questions or to other assignments, taking an exam or a class for a student, nor having another person take an exam or a class for the student.

Procedures shall be established for violation of the Academic Code of Conduct which shall be clearly communicated to students.

As stated in the Student Code of Conduct, classroom misconduct is any behavior which disrupts or interferes with the learning experience. Students should conduct and express themselves in a way that is respectful to all persons. This includes respecting the rights of others to comment and participate fully in class.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

##### **Policy IV.C.2: Student Academic Leaves and Administrative Withdrawals**

This policy is intended to provide options for students who may have experienced an unexpected event which has interfered with his/her ability to successfully complete required coursework. A student may request an academic leave of absence at any time after the add/drop date has passed for that term. However, a leave cannot be applied retroactively to previous terms.



An academic leave allows the student experiencing extraordinary circumstances to temporarily suspend their academic and any extra-curricular participation at the College without losing any standing they may have at the College. These circumstances shall include but not be limited to serious illness, injury, or another significant personal situation which prevents a student from continuing their classes.

An academic leave may also be granted to students who are severely ill and their presence on campus constitutes a threat to the health and safety of the campus community.

Students are encouraged to work with an advisor or other appropriate College personnel to understand their options and make an informed decision as to whether an academic leave is in the student's best interest.

Students on an approved leave shall be treated as enrolled students for the purposes of financial aid repayment and the use of campus resources but will be enrolled in no credits while on leave. Students will not receive financial aid, will not be eligible for student employment, or able to participate in extracurricular activities.

For limited entry programs, students may not be able to start the program immediately after returning from leave due to the cohort nature of these programs.

Students enrolled in programs which have state mandated Leave of Absence procedures will be required to follow the state mandated procedures for requesting an academic leave and for re enrolling.

To qualify for an academic leave a student must be in good standing.

Academic leaves shall be granted for up to 180 days within a 12-month period which starts on the day the leave is approved. Leaves may be extended beyond this timeframe if the circumstances of a student's situation warrant. However, due to Federal Financial Aid regulations leaves of absence greater than 180 days may affect a student's financial aid and loan repayment. A student should work with an advisor or other appropriate College personnel to fully understand the consequences of a leave greater than 180 days. Authorization in writing shall be obtained for approved academic leaves. If granted, the withdrawal will be recorded as such on the student's official transcript. Tuition refunds shall be issued to students who officially withdraw during the refund period in accordance with College refund policy. If the student disagrees with the decision made regarding their request, they may appeal the decision to appropriate College personnel following the College procedures.

Students who are registered for courses and who have been deployed or reassigned for military service may withdraw from a course(s). The student shall provide copies of deployment orders and submit a request for withdrawal. Regardless of whether the request is made during or after the Drop/Add period, no charges shall be assessed for the term. If the student does not have deployment orders, the student must follow standard College withdrawal policy and procedures.

A student who is being administratively withdrawn from a course or program by a faculty member shall be notified of the decision and its consequences. A student appealing this decision shall follow the College's approved appeal procedure. Faculty shall not initiate an administrative withdrawal in an arbitrary or capricious manner. Efforts shall be made to set reasonable accommodations for the student to be able to remain in the course of program if feasible. Faculty-initiated withdrawals may be submitted, but only after the 20% attendance reporting period, and before the end of the eleventh (11th) week of a 15-week term, or the equivalent of the eleventh (11th) week of a shorter term. During this time, and only after a student has been absent from class for a number of days equal to two (2) weeks or more of a 15-week term, or the equivalent of two (2) weeks or more of a shorter term, may the instructor initiate a withdrawal.

A student can withdraw from a course or courses without academic penalty up to and including the eleventh (11th) week of a regular term, and up to and including the equivalent of the eleventh (11th) week in a nonstandard term.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

### **Policy IV.C.3: Student Academic Appeals**

A student may appeal a final grade if he or she believes the grade has been conferred in error or in a prejudiced or capricious manner. The responsibility of the burden of proof rests with the student, including producing any documentation used for calculating the final grade. In situations where the instructor has maintained possession of documentation relating to a final grade, the instructor will be responsible for producing this documentation.

The student shall first meet with the faculty member to review the criteria applied in assigning that grade. The student must initiate this appeal within thirty (30) calendar days after the student's final grade has been posted.

A student may also appeal a recommendation by the faculty in a specific curriculum for an administrative withdrawal from a course/ curriculum on the basis of a claim that the faculty's withdrawal recommendation was capricious or prejudiced.



Should the appeal be denied, the student may appeal to appropriate College personnel using College appeals procedures. The decision of the College administration shall be final.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

#### **Policy IV.C. 4. Requirements and Eligibility for Graduation**

##### **Graduation and Commencement**

The College will grant degrees and academic certificates only to students who have earned at 50% of the required credit hours for a degree or academic certificate in residence. Credits awarded for experiential learning can be counted towards the residency requirement. In order to qualify for a degree or certificate a student must attain a minimum G.P.A. of 2.0 and satisfy all requirements of his/her program of study.

One formal commencement ceremony shall take place annually, at the conclusion of the Spring Semester. Students who have completed their requirements at the end of the previous Summer or Fall, in addition to those who have completed their requirements in the Spring semester shall be considered eligible to attend the ceremony.

The College President shall certify the list of candidates who have met requirements for graduation.

Students may pursue as many certificates and/or degrees as their circumstances permit. Students must fulfill all prerequisite, major and related course requirements for the program.

Students who intend to meet the requirements for graduation at the end of any semester or summer session must apply to graduate according to appropriate College procedures.

##### **Graduation Honors**

Students shall be awarded Honors who complete their work with outstanding academic records according to the following cumulative grade point averages:

3.2 - With Honor

3.5 - With High Honor

3.8 - With Highest Honor

*\*Policy approved by Erie County Community College Board of Trustees:*

**March 24, 2021**

**July 27, 2022**

*\*Review Deadline: **July 27, 2027***

#### **SECTION IV: Academic Affairs**

##### **Subsection D: Faculty Matters**

###### **Policy IV.D.1: Professional Ethics Code**

This Code of Ethics is based in part on the standards set forth in a guiding document, Statement of Professional Ethics, as revised in 2009, prepared by the American Association of University Professors.

It clarifies standards of professional conduct derived from general professional consensus about the existence of principles considered basic to acceptable faculty behavior.

Faculty members shall develop and improve their scholarly competence and practice intellectual honesty. Although faculty members may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As such, faculty must:

- o Distinguish clearly between personal views, professional opinions, and those of the College
- o Observe the stated regulations, general philosophy and objectives of the College
- o Refrain from knowingly distorting or misrepresenting facts concerning educational or institutional matters
- o Develop and maintain course quality in the discipline
- o Present subject matter in such a manner that it is free of deliberate misrepresentation
- o Adhere to approved course and program level student learning outcomes and makes these outcomes explicit to students
- o State course outcomes clearly at the beginning of the course and state the criteria and procedures for evaluating student attainment of these objectives



- o Assess approved student and program learning outcomes as required
- o Remain up to date in the discipline and issues regarding pedagogy and teaching excellence
- o Meet all classes as scheduled, maintain office hours and provide reasonable means for student access to course information Participate in departmental and college-wide activities
- o Complete approved, periodic self-assessment to be shared with appropriate College personnel
- o Perform all required and expected obligations with collegiality and respect
- o Commit to working with and supporting students outside of required classroom hours
- o Maintain and be available to students during regular office hours
- o Participate in and attend extracurricular activities
- o Refrain from using professional relationships with students for private advantage
- o Contribute to the advancement of the College and the discipline through research, publications, presentations and other venues as appropriate
- o Conduct all related administrative and non-teaching activities in a timely and effective manner
- o Consider carefully accepting offered gratuities, gifts or favors that might impair one's professional judgment or discredit the College.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

#### **Policy IV.D.2: Academic Freedom**

Erie County Community College fosters an environment for excellence in teaching, learning, and inquiry by sustaining freedom of expression, scholarly pursuit of knowledge, spirited and open debate, and intellectual exchange in a culture of mutual respect.

Academic freedom is essential to the shared goal of the pursuit of knowledge and is fundamental to the exploration of new ideas. It is defined as the individual's right to engage in intellectual debate, research, speech, or written or electronic correspondence, on and off campus, without fear of censorship, retaliation, or sanction. Academic freedom encompasses both the individual's and College's right to maintain academic standards and ensure intellectual integrity, while ensuring faculty members' rights to freedom of discussion in the classroom, encourage intellectual integrity, sustain pedagogical approaches consistent with the discipline taught, and evaluate student work.

Academic freedom does not involve expression that substantially impairs the rights of others or the imposition of political, religious, or philosophical beliefs on individuals of the college community. Academic Freedom does not provide protection of faculty who demonstrate professional incompetence, or dishonesty with regard to their assigned discipline or fields of expertise, or who engage in arbitrary or capricious evaluation of students.

The College shall adhere to the 1940 AAUP Statement on Principles of Academic Freedom, and subsequently approved Interpretive Comments (1970) which shall serve as a fundamental guide for deliberations and actions pertaining to academic freedom.

Responsibility must accompany the rights and privileges of academic freedom; throughout the educational process, faculty are encouraged to create an environment of academic excellence and to explore various points of view. Faculty are expected to be accurate, objective, and purposeful. Material presented or discussed should be related to the course's subject matter. Faculty are expected to present and discuss assignments and material relevant to the student learning outcomes presented in the course outline. Faculty are responsible to set reasonable rules for appropriate classroom discourse, including limits to speech that is unrelated to class material or substantially impairs the rights of others.

Individual members of the College may express viewpoints that other individuals may find disagreeable, unwelcome, or objectionable. All individual members of the college community also bear the responsibility to distinguish those behaviors that may violate the College's Student Code of Conduct. Violation of college regulations or policies, and breach of any federal, state, or local criminal law either on campus or at any college-sponsored activity are not protected under the Academic Freedom Policy.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

#### **Policy IV.D.3: Intellectual Property**

The College is a learning community which encourages intellectual inquiry among faculty, students and staff which results in the development of creative work, scholarly research, inventions and discoveries, known broadly as intellectual property.



This policy applies to works created by all classifications of faculty, staff and students at the College, and to non-employees such as consultants and independent contractors who create works on behalf of the College, unless a written agreement exists to the contrary.

College employees who create such works on their own time, and without the use of substantial College resources or financial support, own those works as described in detail below. The College shall not claim ownership of intellectual property created by its employees, unless the work involved was created in the course of employment; commissioned by the College; or created, developed, or produced with substantial College resources or financial support. In such instances, the rights of the College employee creators and of the College shall be defined by Agreement prior to the commencement of the project.

**Intellectual Property shall consist of the following:**

(a) Copyrightable material produced from creative and scholarly activity, such as text (manuscripts, manuals, books, and articles); videos and motion pictures; music (sound recordings, lyrics, and scores); images (print, photographs, electronic, and art); and computer software (programs, databases, web pages, and courseware)

(b) Patentable works such as patents (processes, machines, manufactures, or compositions of matter); devices; and software excluded from copyrighted materials

(c) Trademarked materials, such as words, names, symbols or logos, domain names, trade dress, and slogans or any combination of words which has been adopted by the College to identify itself and to distinguish itself and its sponsorship from others

College personnel who alone or in association with other individuals or entities create or intend to create patentable subject matter with any use of College resources must disclose the matter and obtain prior authorization from appropriate College personnel. Such disclosure shall be made when it can be reasonably concluded that a patentable subject matter has or will be created, and sufficiently in advance of any publications, presentation, or other public disclosure to allow time for possible action that protects rights to the intellectual property for the creator and the College. Except as set forth below, the creator of patentable intellectual property shall retain his/her rights, and the College shall not assert ownership rights.

**The College will assert ownership rights to patentable intellectual property developed under any of the following circumstances:**

(a) Development was funded as part of an externally sponsored research program or pursuant to an agreement which allocates rights to the College.

(b) Development required significant use of College resources or more than minimal use of College personnel. Participation of students that influences development of the patentable subject matter constitutes significant use of College resources.

(c) The creator was assigned, directed, or specifically funded by the College to develop the material.

(d) Material was developed by administrators or other non-faculty employees in the course of employment duties and constitutes "work for hire" under U.S. law.

Faculty are not obligated to disclose the creation of original works (other than patentable intellectual property), even when the work might have commercial value, unless it is created under conditions by which the College may assert ownership rights to Intellectual Property as described below, in which case the creator is responsible for timely disclosure.

Except as set forth below, the creator of Intellectual Property (other than patentable intellectual property) shall retain his/her rights, and the College shall not assert ownership rights. However, creators will grant the College use of the Intellectual Property for use in satisfying requests of accreditation agencies for faculty-authorized syllabi and course descriptions and materials.

**The College may assert ownership rights to Intellectual Property developed under the following circumstances:**

(a) Development was funded as part of an externally sponsored research program or pursuant to an agreement which allocates rights to the College.

(b) Development required significant use of College resources or more than minimal use of College personnel. Participation of students that influences development of the work constitutes significant use of College resources. Prominent use of the Erie County Community College name or any image, trademark or logo of Erie County Community College also constitutes significant use of College resources.

(c) A faculty member was assigned, directed, or specifically funded by the College to develop the material.

(d) Material was developed by administrators or other non-faculty employees in the course of employment duties and constitutes "work for hire" under U.S. law.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***





**SECTION V: Student and Academic Services**

**Subsection A: Admissions and Student Records**

**Policy V.A.1: Admissions**

Admission to Erie County Community College is open to the following individuals:

- High school graduates, General Equivalency/Commonwealth Diploma recipients, and transfer applicants from another college or university.
- Any non-high school graduate and non-General Equivalency recipient over the age of 18 who can demonstrate the ability to benefit from post-secondary education.
- Persons not meeting the above criteria may be considered for admission on an individual basis.

Admission to Erie County Community College does not imply or guarantee admission to any specific program of study for which more restrictive admission requirements are established in compliance with institutional expectations, accrediting-body standards, Commonwealth rules and regulations, or federal guidelines and statutes. Applicants for such programs must follow the prescribed steps for admission in each program.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

**Policy: V.A.2: Academic Standing**

The College is committed to the academic success of its students. This Academic Standing Policy is designed to ensure that students make adequate progress toward a degree. Students are expected to be in good academic standing to continue at the College. The grading system at the College is a letter system with associated quality points, which are used to compute cumulative grade point averages as follows. A=4, B=3, C=2, D=1, F=0. Developmental and non-credit courses will not be calculated in the student’s cumulative grade point average (GPA). A student’s academic standing is determined by the GPA required to meet academic standards based on credits successfully completed at the College. Students with a cumulative GPA of 2.0 or above are considered in Good Academic Standing.

Credits Hours Toward GPA*	Academic Warning Cumulative GPA	Academic Probation Cumulative GPA
Fewer than 17 credits	Below 2.0	N/A
17-34 credits	1.8 or greater and below 2.0	Below 1.80
More than 34 credits	N/A	Below 2.0

*\*Credits Hours toward GPA include all letter grades (“A” through “F”)*

**NOTE:**

- The federal government has established regulations regarding satisfactory academic progress and eligibility for Financial Aid. These standards are separate from the College’s policy on academic standing.
- Students in selective programs may need to meet additional program requirements to be considered in good academic standing. Refer to the program policies for specific information.

Students whose cumulative GPA falls below a 2.0, but above the probationary level, are considered to be on Warning Status, as shown in the table above. Students on Warning Status are encouraged to take advantage of College support services.

A student is placed on Academic Probation if his/her cumulative GPA falls below the designated Probation threshold as listed in the table above. Students have two consecutively enrolled semesters including semesters of attendance, not to include summer sessions, to raise their GPA to a level above Probation. Students are encouraged to take advantage of the College’s support services for assistance. A student who does not raise his/her GPA above Probation after two consecutively enrolled semesters of attendance will have to stop out for one semester during which time the student is encouraged to use the College’s support services for assistance.

The College shall establish an Appeals process to enable students to request reconsideration of the requirement to stop out for a semester.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***



### **Policy V.A.3: Assessment and Testing**

The College shall create accessible pathways to enrollment in college level courses to include using multiple measures beyond standardized testing practices for placement.

Placement testing is the process by which the College evaluates incoming students to determine their reading, writing, mathematical and other basic skills. Appropriate placement in courses serves to maximize students' opportunities to succeed academically.

Placement testing is mandatory for full-time and part-time credit students. A process shall be developed by which students may be deemed exempt from the placement testing requirement using multiple measures.

As there is no one approach to using multiple measures that is appropriate for all students, the College shall develop a comprehensive approach which includes non-cognitive assessments as part of the placement process.

These practices and measures shall include but not be limited to:

- Placement test results
- High School Transcripts
- AP exam scores
- GED scores
- SAT scores
- ACT scores
- College transcripts
- CLEP examination scores
- TOEFL examination scores

Students will be offered the option to take the knowledge assessment in a non-proctored, self-paced environment. Students will be permitted multiple attempts at these low-stakes, adaptive assessments to modify their placement.

Students who have prior academic experience such as an earned degree (associate's or higher) from an accredited institution, students who are degree candidates at another institution (visiting students), students who have transferred 12 or more credits to Erie County Community College from another institution where they received a GPA of 2.0 or above, and students who are readmitted to the College and have received a GPA of 2.0 or above upon the completion of 12 or more credits shall be exempt from placement testing.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy V.A.4: Student Records**

Erie County Community College accords all the rights under the Family Educational Rights and Privacy Act of 1974 (FERPA) to its students. The College collects, maintains, secures, and destroys student records for the educational welfare and advancement of its students. Access to and dissemination of student educational records shall at all times comply with applicable federal and state laws and regulations. In accordance with FERPA, personally identifiable information contained in student education records shall not be disclosed without a student's prior written consent, except in cases in which FERPA authorizes disclosure without such prior consent. Such cases include disclosures that are made to:

- College officials with a legitimate educational interest in the information;
- Other schools to which a student is transferring or seeks to enroll;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to state law;
- Victims of violent crimes and certain sex offenses, in accordance with the requirements of Title IX.

The College may also disclose records to comply with a judicial order and/or a lawfully issued subpoena. The College may further disclose information that has been designated as directory information, in its discretion and without the student's prior consent, unless the student has previously notified the College in writing that the student does not want his or her directory information to be disclosed.

In accordance with FERPA, the College affords current and former students the right to access their records. The College shall



provide annual notification to students of their rights concerning student records, as required by FERPA, including the following:

1. The right to inspect and review the student's education record within forty-five (45) days of the College's receipt of the request for access;
2. The right to request amendment of the student's education records that the student believes are inaccurate, misleading or otherwise violate the student's privacy rights;
3. The right to a hearing if a request to amend a student's education records is denied;
4. The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent;
5. The right to file a complaint with the U.S. Department of Education's Family Policy Compliance Office concerning alleged failures by the College to comply with the requirements of FERPA.
  - Students may not inspect and review the following, as outlined by the Act:
  - Financial information submitted by their parents;
  - Confidential letters and recommendations associated with admissions;
  - Recommendations for employment, job placement, or honors to which they have waived their rights for inspection and review;

Education records containing information about more than one student, in which case the College will permit access only to that part of the record which pertains to the inquiring student.

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy. Such regulations and procedures shall, at a minimum, describe and/or identify the following:

- the means by which annual FERPA notices shall be provided to students;
- the custodian(s) of and retention periods for student education records; the procedure(s) through which students may request access to and/or challenge information contained in their education records;
- the types of information which the College has designated as directory information, and the process by which students can opt out of disclosures of directory information;
- the types of records and information that are not maintained or required to be maintained as part of the student's education record or to which the student does not otherwise have a right of access under FERPA;
- the circumstances in which personally identifiable information contained in the student's education records may be disclosed without the student's prior consent.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy V.A.5: Registration and Enrollment**

#### **Registration**

Currently enrolled and previously enrolled students in good academic standing in credit degree or certificate program, may utilize online registration to enroll for courses. Students may also register in person at Enrollment Services.

Students will be permitted to attend only those sections of courses for which they have officially registered and paid. Students are not permitted to sit in on classes for which they have not registered.

It is the students' responsibility, in consultation with appropriate College staff or program faculty, to make certain that any registration changes will fulfill the degree requirements.

Veteran students (as defined below) are granted course scheduling preference (in accordance with Pennsylvania legislation – Act 46 of 2014 - (Act of May 14, 2014, P.L. 667, No. 46) during a priority registration period. Active military members also receive course scheduling preference during the priority registration period.

Course scheduling preference means veteran students are able to start registering for courses sooner than students with the same class standing.

Eligible students must provide documentation confirming their status as an active military member or veteran as defined below. Supporting documentation such as the DD-214 must be received at least 5 business days before the priority registration period.

A Veteran – Per Act 46 of 2014 (Act of May 14, 2014, P.L. 667, No. 46):

1. Has served in the United States Armed Forces, including a reserve component and National Guard; and
2. Was discharged or released from such service under conditions other than dishonorable.
3. Veterans who completed their obligated service in the Reserves and National Guard but were not deployed to active duty are included in this definition.



A Veteran Student – Per Act 46 of 2014 (Act of May 14, 2014, P.L. 667, No. 46):

1. Is a veteran.
2. Has been admitted to a public institution of higher education; and
3. Resides in Pennsylvania while enrolled in the public institution of higher education.
4. Veteran students may or may not be using veteran's educational benefits at the institution.
5. Act 46 of 2014 applies to veteran students admitted to all for-credit courses and programs offered at the institution.

#### **Withdrawal from courses**

A student may withdraw from a course or courses without academic penalty up to and including the eleventh (11th) week of a regular term, and up to and including the equivalent of the eleventh (11th) week in a nonstandard term.

If the official withdrawal is processed with the Office of Student Records & Registration within the established time limit, the student's grade report will show the grade W (withdrawal).

If the official withdrawal is not processed within the established time limit, the student's grade report will show F (failure).

Students who are members of the Pennsylvania National Guard or other reserve component of the armed forces who are called or ordered to active duty, and the student's affected spouse, can request an excused withdrawal, with proper documentation, and receive a leave of absence for military duty. The student and the affected spouse will receive a "W" grade on their transcript.

#### **Auditing**

With permission of the instructor teaching the course, a student may register in a course as an auditor. No credit will be given.

Permission to change from study-for-credit status to auditing (no credit) status must be obtained from the instructor by the end of the equivalent second week of each term.

Audited courses do not count in determining student eligibility for financial aid. Audit grades will not be used in determining academic load for veteran certification.

#### **Student Course Load**

A full-time student is one taking 12 or more credit hours. Students expecting to graduate within two years must successfully complete 15 to 17 college level credit hours each semester or complete summer courses. The required number of credit hours depends on the curriculum in which the student is enrolled.

*\*Policy approved by Erie County Community College Board of Trustees:*

**March 10, 2021**

**May 26, 2021**

*\*Review Deadline: **May 26, 2026***

#### **Policy V.A.6: Transfer of Credits**

Erie County Community College shall evaluate and accept credits earned at another college or university accredited by an institutional accrediting organization that is recognized by the Council for Higher Education Accreditation (CHEA). Credits earned at institutions that are not accredited may be accepted upon consideration of course equivalencies, including expected learning outcomes of the institution's curricula and standards. Credit may be awarded for courses from an institution, whether or not similar courses are offered at Erie County Community College. These courses must satisfy both general elective and graduation requirements.

No more than one-half of the credit requirements for a degree, certificate or diploma shall be completed at another institution. Courses with a grade value of 2.0 (C) or higher will be considered for transfer. Courses with a grade value of "pass" or "satisfactory" will be accepted as transfer credits when the transcript states that a "pass" or "satisfactory" is equivalent to a C or above. Transfer courses will be awarded credit with no grade value (quality points) assigned. Developmental coursework is not accepted for transfer credit but will be transcribed for prerequisite purposes.

Specific degree programs may establish additional guidelines for acceptance of transfer credits based on time limitations. Transfer credit will not be granted if granting such credit is contrary to the requirements of any recognized local, state, or federal accrediting or certifying agencies.

Foreign educational credentials must be evaluated initially by a recognized evaluation and/or translation service.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***



## **Policy V.A.7: Catalog Standing and Student Handbook**

### **Catalog Standing**

Students must follow the curricular and program requirements outlined in the Catalog in effect for the academic year they enter a program. This will include but not be limited to general education and specific program requirements, academic progress policies, and graduation requirements. If a student changes his or her curriculum, they must then follow the Catalog in effect for the academic year that they enter the new program.

### **Student Handbook**

The College shall publish and make available a Student Handbook. The Handbook will clearly communicate the College's policies, procedures, mission and statement of Student's Rights and Responsibilities as well as the Student Code of Conduct.

It is the student's responsibility to become familiar with and abide by the information contained therein.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

## **Policy V.A.8: Residency**

### **Definition of Domicile**

Tuition rates at Erie County Community College are determined by a student's domicile. Domicile is defined as "the place where one intends to and does, in fact, permanently reside."

An applicant or student under the age of 18 shall be presumed to have the domicile of parents or guardian. A minor may prove emancipation and independent domicile through convincing evidence.

### **Commonwealth of Pennsylvania Residency**

To establish Commonwealth residency, one must demonstrate continuous residence in the Commonwealth for a period of twelve (12) months prior to registration as a student.

### **Erie County Residency**

To establish Erie County residency, an applicant must meet all of the following requirements:

1. Must be a citizen or a permanent resident alien of the United States or be admitted on an immigrant visa to the United States.
2. Must have resided in Pennsylvania for at least 12 months prior to registration.
3. Must have resided in Erie County for at least 12 months prior to registration.

The following documentation may be used to provide evidence toward meeting the residency policy requirements:

Important Note: Name and address must be present on all documents.

1. Current apartment lease or mortgage from the permanent independent residence.
2. Copy of a city/state tax bill.
3. Copies of bank statements, automobile registration, or other registered property.
4. Current Pennsylvania driver's license or state ID.
5. High school transcript showing an Erie County home address.
6. Pay stubs with Erie County home address showing payment of Erie County taxes.

Cases shall be decided on the basis of documentation submitted, with qualitative rather than quantitative emphasis. The determination of residency in each case is one of the subjective intentions of the student to reside indefinitely in this Commonwealth and in the County.

### **International Students**

International students holding an F-1 or J-1 visa cannot be classified as legal residents of Erie County or Pennsylvania.

### **United States Veterans, United States Military and Civilian Personnel, and Their Dependents**

All eligible veterans of the United States Armed Forces and their spouses and dependents will receive the in-county residency rate for tuition. For veterans to be eligible, they must have served in the United States Armed Forces, including reserve component or National Guard, and must have been discharged or released from service under conditions other than dishonorable.

All active United States military personnel, including their spouses and dependents, who are assigned to an active-duty station in Pennsylvania and reside in Pennsylvania will receive the in-county residency rate for tuition. This provision remains in effect for each member, spouse or dependent while continuously enrolled at the College, even if there is a subsequent change in the permanent duty station of the member to a location outside of Pennsylvania.

All active United States civilian personnel, including their spouses and dependents, who reside in Pennsylvania or who are



employed or transferred to a United States Department of Defense facility in Pennsylvania and reside in Pennsylvania will receive the in-county residency rate for tuition. This provision remains in effect for each member, spouse or dependent while continuously enrolled at the College, even if there is a subsequent change in the assigned employment of the member to a location outside of Pennsylvania.

All active military personnel, including the spouses and dependents will receive the in-county residency rate for tuition for online courses.

Veterans and active military and civilian personnel must verify their affiliation with the United States Armed Services. Spouses and dependents must verify the veteran, military or civilian member's status with the United States Armed Services and provide proof of dependent status.

### **Change of Residency**

Change of residency for tuition and mailing purposes is the sole responsibility of the student. Any changes to residency affecting tuition charges made after the last day of the term's refund period will be reflected in the following semester.

*\*Policy approved by Erie County Community College Board of Trustees:*

**June 30, 2021**

**July 27, 2022**

*\*Review Deadline: July 27, 2027*

## **SECTION V: Student and Academic Services**

### **Subsection B: Payment of Fees**

#### **Policy V.B.1: Payment and Refunds of Tuition and Fees**

The Board of Trustees sets tuition and fees and reserves the right to change them without notice. Tuition may vary based on residency.

To fund the cost of student publications, student clubs and organizations, and other special services and activities for students, there shall be a general College fee for credit courses. Some credit courses offered by the College are subject to additional course fees. These may include courses with laboratories, clinical instruction or additional instructional hours. Other fees may be assessed to include but are not limited to fees for late registration, credit by examination, prior learning assessment, student identification cards, technology use, transcript processing and on-line learning.

#### **Payment of Fees**

A schedule of due dates and methods of payment for tuition and fees shall be published annually.

#### **Refunds**

It is the student's responsibility to submit an official drop form or drop classes via the web, even in cases of non-attendance. Students who drop credit courses prior to the start of the second week of classes for 16-week classes or within the first three (3) calendar days of a shortened session will not incur any charges other than fees that are considered non-refundable. The first day of the term marks the beginning of the refund policy regardless of the first scheduled class day for any particular student. Students who drop during the equivalent first three weeks (first 20 percent) of the term will be charged 50 percent for tuition and applicable fees and will be financially responsible for the charges incurred. Students who drop classes during the equivalent fourth week and thereafter will be charged 100 percent of tuition and applicable fees and will be financially responsible for the charges incurred.

A schedule for refunds for non-credit courses will be established as appropriate.

Students who receive aid are subject to federal refund policies and/or regulations of such aid.

A full refund of tuition and fees shall be made if the College cancels a class.

Students may request an exception to the above refund policies in the case of extenuating circumstances.

*\*Policy approved by Erie County Community College Board of Trustees:*

**March 10, 2021**

**March 23, 2022**

*\*Review Deadline: March 23, 2027*



### **Policy V.B.2: Financial Aid**

The College shall provide information to students on available financial aid packages.

Upon the College's ability to participate in Federal financial aid programs, policies and procedures will be established to conform to all regulations.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy V.B.3: Waiver of Tuition and Mandatory Fees for Students Who Have Been in Foster Care**

The Erie County Community College shall comply with Act 16 of 2019 (Act 16) which added Article XXVI-K to the Pennsylvania Public School Code of 1949 once it is eligible for awarding Title IV student assistance. This law, known as the Fostering Independence through Education Act, requires postsecondary institutions to award a waiver of tuition and mandatory fees to some Pennsylvania resident students who have been in foster care and meet the below eligibility requirements.

Student Eligibility Requirements:

- Be a current Pennsylvania resident.
- Have graduated from high school or have received a Commonwealth Secondary School Diploma.
- Be accepted as a student by the College.
- Be identified as a youth in foster care or a youth adopted from foster care after attaining age 16.
- Be eligible for services under Pennsylvania's John H. Chafee Foster Care Independence Program.
- Have not reached the age of 26 by July 1 of the upcoming academic year for which Chafee Education and Training Grant is received.
- Be enrolled as an undergraduate, at least half time.
- Applied all grants and scholarships for which they are eligible first to cover tuition and fees.
- Demonstrate financial need for the grant (as determined by Erie County Community College).
- Maintain satisfactory academic progress (as determined by Erie County Community College).
- Not be in default on a federal student loan or owe a refund on other Title IV aid.
- Have not received Chafee Education and Training Grant for 5 years (consecutive or not), defined as 10 semesters or the equivalent, for undergraduate study.

*\*Policy approved by Erie County Community College Board of Trustees: **September 22, 2021***

*\*Review Deadline: **September 22, 2026***

## **SECTION V: Student and Academic Services**

### **Subsection C: Student Services**

#### **Policy V.C.1: Advisement and Career Support Services**

The College shall make information regarding Student Support Services readily available and accessible to students.

The College shall provide Advising Services for students. Advisors work closely with students to develop educational plans, review program requirements, and select appropriate courses. Advisors will also assist students with understanding their program of study in terms of personal, academic and career goals and expectations. Students are strongly encouraged to be an active part of the advising relationship by engaging with their Advisor throughout their time at the College.

Students work with Advisors to plan for the transfer process by understanding policies and procedures, and referrals to college resources. While the ultimate responsibility for making decisions about personal goals and educational plans rests with each student, Advisors support and assist by helping to identify and assess options. Students who are identified as needing greater emotional, psychological or other supports will be referred to appropriate support services in the community.

Career Support Services shall be provided for students. Services offered shall include but not be limited to individual appointments and workshops on résumé and letter writing, interview preparation, job search strategies and career decision making and planning. Student Career Services shall also assist students and graduates in developing successful strategies to find part-time, full-time and summer employment.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***



### **Policy V.C.2: Transfer to Other Colleges or Universities**

The College shall provide students with advising and other resources with regard to transfer from the College to another college or university.

The College will seek to develop articulation agreements with baccalaureate institutions to formalize the transfer of credits. It is the responsibility of the student to make decisions and take actions necessary in order to complete the transfer process. Official transcripts of student records will only be forwarded to a person or organization for whom the College has received an official request in writing from the student/alumnus/alumna and for which any required fees have been paid. Unofficial student transcript information can be accessed by students directly.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy V.C.3: Experiential Education Assessment Services**

Experiential Education Assessment, also known as Prior Learning Assessment enables students to gain course credit for experiences, skills or knowledge gained through independent learning or through employment and/or training. These experiences include but are not limited to workplace training, military training and service, independent study, professional certifications and national exams. A portfolio may be required to be developed by the student seeking these credits. Appropriate College staff will develop mechanisms to evaluate the student's knowledge and skills. Credit will be awarded for courses in which equivalent learning outcomes have been demonstrated.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy V.C.4: Access to Health Services**

In the case of an emergency medical incident all faculty, staff, and students are authorized to call 911 immediately. College Safety and Security should also be notified in these circumstances.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

### **Policy V.C.5: Library, Learning Resources and Technology Support**

The College shall create designated space(s) herein described as Learning Commons, combining Library, multimedia and other technology, tutorial and learning resources. The Commons will be staffed with readily available support services.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

## **SECTION V: Student and Academic Services**

### **Subsection D: General**

#### **Policy V.D.1: Sexual Offender Notifications**

Erie County Community College will meet the requirements of The Campus Sex Crimes Prevention Act which provides for the tracking of convicted sex offenders enrolled at, employed by, or carrying on a vocation at institutions of higher education. This Act requires colleges to issue a statement advising the College community where information concerning registered sex offenders may be obtained. Sex offenders are required to take certain steps upon enrollment in an institution of higher education, regardless of whether their enrollment is full or part time. Pursuant to the Campus Sex Crimes Prevention Act, individuals are required register as a sex offender in the jurisdiction where their residence is located and, in the jurisdiction, where the college they attend is located.

In addition, the Commonwealth of Pennsylvania maintains a system for making certain registry information on violent sex offenders publicly available. Pennsylvania's Megan's Law, 42 PaC.S 9799.1, requires the state police to create and maintain a registry of persons who have either been convicted of or entered a plea of guilty to, or adjudicated delinquent of certain sex offenses listed in Megan's Law. The Pennsylvania State Police is required to make certain information on registered sex offenders available to the public.

*\*Policy approved by Erie County Community College Board of Trustees:*

***April 14, 2021***





**July 27, 2022**

*\*Review Deadline: July 27, 2027*

**Policy V.D.2: Student Rights and Responsibilities/Code of Conduct  
Student Rights and Responsibilities:**

All students shall abide by the College's policies as well as all county, state and federal laws. Further, students shall not interfere with or disrupt the orderly educational processes at the College.

All students are expected to understand and adhere to regulations in the College Catalog to include but not limited to degree requirements, academic progress, financial obligations, relationships with College authorities, transferability of credits for courses completed, acceptance of credits for graduation and eligibility to graduate.

The College accords all the rights under the Family Educational Rights and Privacy Act of 1974 to its students. This act is intended to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate or misleading data through informal or formal hearings.

**Student Code of Conduct**

The primary purpose of the Student Code of Conduct is to guide students to understand their responsibilities in regard to appropriate behavior and respect for others in the College community. Students are expected to treat all members of the College community with dignity, respect, fairness, and civility and to behave in a responsible manner at all times both in and outside of the classroom.

Every student is expected to be fully acquainted with and comply with all policies, rules, and regulations outlined in the Student Code of Conduct.

The Student Code of Conduct applies to all students while enrolled at the College, on College premises, and/or while attending College-sponsored activities on or off campus. In certain circumstances, for example in the instance of sexual misconduct, off-campus misconduct at non-College-sponsored activities that have a continuing and disruptive effect on members of this College community, will also be actionable under the Student Code of Conduct.

Classroom misconduct is any behavior which disrupts or interferes with the learning experience. Students should conduct and express themselves in a way that is respectful to all persons. This includes respecting the rights of others to comment and participate fully in class.

The College may initiate disciplinary proceedings for student violations including, but not limited to disruption of the orderly process of the College, including, but not limited to, disruptions of classes, events, or meetings, or interference with the rights of others; physical or verbal (oral and/or written), and/or sexual assaults, threatens, abuses, harassment, and/or endangerment of the health or safety of a person at the College.

Students will respect College property; property belonging to a third party on a College-sponsored activity; or property belonging to a student, faculty, staff member, or campus visitor.

Students will not bring to campus or any College-related activity any weapon, firearm, explosive and/or facsimile weapons, or flammable liquids such as paint, gasoline, etc., or any fireworks, ammunition, etc., except by an individual for use in a program approved by the College.

Students will not knowingly give false information in response to a request from College employees; forge, alter, or misuse. College documents.

Students will not misuse technology including but not limited to sending, distributing, posting, or displaying offensive, harassing, or threatening material; forging email messages, and other actions in violation of the College's Acceptable Use of Technology Policy as it relates to use of College technology and computing systems.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

**Policy V.D.3: Complaints, Problems, Grievances and Appeals by Students**

A student may lodge a complaint about any matter in which he or she feels unjustly treated by following the College's appeals procedures.

The College will maintain a fair, equitable, and timely procedure for addressing student complaints and grievances which will ensure that the rights of the students, the College community, and the community-at-large are protected. The student has the right to due process and all grievances and appeals must be conducted in a manner which ensures the accused student adequate



notice and a fair opportunity to be heard.

If a student is found responsible for a violation of the Student Code of Conduct and refuses the administrative decision, the student has the right to request an appeal hearing.

*\*Policy approved by Erie County Community College Board of Trustees: **March 10, 2021***

*\*Review Deadline: **March 10, 2026***

## **SECTION VI: Business Services**

### **Subsection A: Managing Public Property/Resources**

#### **Policy VI.A.1: Purchasing Goods and Services**

Community College of Erie County Regulation for Purchase of Goods and Services:

##### **Purpose**

The purpose of this regulation is to ensure that the Community College receives fair value in the purchase of all goods and services that it acquires and that fair and open competition is allowed for the provision of those goods and services where practical. When determined to be cost effective, the Community College may utilize cooperative purchasing agreements for the purchase of goods and services, subject to the approval of the Finance Department, or, in lieu of a Finance Department, the Community College Treasurer.

##### **Scope**

Except to the extent otherwise expressly exempted or excluded below, this regulation applies to the procurement of all goods and/or services by the Community College, whether for operating supplies and services, capital equipment or acquisition or construction of real property.

##### **Established Procurement Thresholds**

In order to provide for appropriate competition, the Community College shall utilize a three-tiered system as follows:

1. For Construction, Reconstruction and Repairs (in accordance with 22 PA Code §35.51)
  - a. Contracts less than \$5,000 may be awarded without soliciting competitive quotes or bids.
  - b. Contracts exceeding \$5,000 but less than \$20,000 require soliciting competitive quotes from at least three (3) responsible bidders and shall be awarded to the lowest responsible bidder.
  - c. Contracts in excess of \$20,000 require public notice of bids, the solicitation of sealed competitive bids and shall be awarded to the lowest responsible bidder.
2. For All Other Purchases (excluding Professional Services)
  - a. Contracts less than \$10,000 may be awarded without soliciting competitive bids.
  - b. Contracts exceeding \$10,000 but less than \$30,000 require soliciting competitive quotes from at least three (3) responsible bidders and shall be awarded to the lowest responsible bidder.
  - c. Contracts in excess of \$30,000 require public notice of bids, the solicitation of sealed competitive bids and shall be awarded to the lowest responsible bidder.
3. Professional Services  
Purchases of legal, financial, architectural, engineering, certain technological consulting and similar professional services are exempt from the bidding requirements set forth herein.

##### **Invitation to Bid Requirements**

1. Bid Specifications  
Detailed specifications for the required product or service shall be included in the Invitation to Bid (ITB). The specifications may also include such requirements for bid bond, payment bond and/or performance bond as are deemed appropriate or otherwise required by this policy.
2. Advertising  
When public notice is required, the ITB shall be advertised in a daily newspaper of general circulation at least one (1) time commencing not less than ten (10) days prior to the date fixed for the opening of bids.
3. Competitive Bidding  
Competitive bids shall be submitted to the Community College in sealed envelopes by the time, and at the place, identified by the Community College, and shall be opened publicly and the contract awarded by the Board of Trustees thereon.



## **Request for Proposal Requirements**

A Request for Proposal (RFP) may be utilized, at the discretion of the Community College, in connection with the procurement of professional services. If utilized, the RFP shall include a listing of the requirements that must be satisfied by the proposer and may include other capabilities, the provision of which would be desirable. Requirements for the advertising of a RFP are the same as for an ITB.

## **Award Criteria**

In all cases with respect to the selection of a vendor for identical or equivalent products or services, award shall be made on the basis of the lowest responsible and responsive bid or quote received. In the case of an RFP, award shall be based on a competitive negotiation with one or more vendors deemed to have satisfied the mandatory qualifications and requirements specified in the RFP and which, in the sole discretion of the Community College, demonstrate the ability to timely and satisfactorily perform the scope of work described in the RFP.

## **Exceptions to Invitation to Bid (ITB) Requirements**

Requirements for bidding as set forth at Item Three (3) above may be waived if any of the following are applicable. The Finance Department is delegated signature authority for waiving the requirement for competition in the following cases:

### **1. Emergency or Unusual Circumstances**

Upon approval by the Pennsylvania Department of Education, competitive bidding may be waived in the event that an unforeseen emergency or condition may cause, or has caused, a portion of the community college plant or facilities to be unusable.

### **2. Sole Source Purchases**

Competitive bidding may be waived where prior experience and investigation reasonably convince the Purchasing Department that there is only one vendor or product who can meet the requirement of the College or that formal bidding procedures will not result in any competitive bids being submitted for the product or service being sought due to the lack of competition in the market. Patented or copyrighted products are considered to be sole source items.

### **3. Use of External Contracts - Piggybacking**

The Community College may "piggyback" off of group purchasing contracts awarded by any other governmental agency or consortium when deemed to be beneficial to the College, including but not limited to contracts awarded by or through the following agencies and entities: United States General Services Administration (GSA), Commonwealth of Pennsylvania Department of General Services Administration (DGS & COSTARS), County of Erie, Education and Institutional Cooperative Services (E&I), U.S. Communities, and Keystone Purchasing Network (KPN).

## **Issuance of Purchase Orders**

### **1. Issuing Department**

Purchase Orders shall be issued by the Community College's Purchasing Department. Purchases by any other means either orally or in writing are not authorized. Persons placing orders otherwise may be held financially responsible for such actions. "Confirming Purchase Orders" are not to be used as a matter of routine and are only to be used in urgent situations with the prior approval of the Purchasing Department, who will assign an emergency Purchase Order number.

### **2. Partial Purchase Orders**

The Purchasing Department may issue Partial Purchase Orders against a Master Purchase Order or Purchase Agreement.

### **3. Change Orders**

Change orders not exceeding ten (10%) percent of the original award amount may be executed with approval of the President or his/her designee to accomplish an unplanned increase in the scope of work.

## **Special Requirements for Acquisition, Construction or Renovation of Real Property**

### **1. Bid Bond**

All bids shall be accompanied by a bond with a corporate surety authorized to do business in Pennsylvania and acceptable to the Community College in such amount as the Board of Trustees shall determine, but not less than ten (10%) percent of the amount bid. In the event any bidder shall, upon award of the contract to him, fail to comply with the requirements as to a bond guaranteeing the performance of the contract, such bid bond shall be forfeited.

### **2. Performance Bond**

The bidder to whom the contract is awarded shall furnish a bond to guarantee the performance of the contract. Such bond shall be with a corporate surety with a corporate surety authorized to do business in Pennsylvania and acceptable to the Community College and in the amount of at least one hundred (100%) percent of the amount of the contract. Failure on the part of the contractor to furnish such bond shall void the previous award.

### **3. Subcontractor Payment Bond**



The bidder to whom the contract is awarded shall be required to furnish a bond to guarantee the payment of third-party subcontractors involved in fulfillment of services rendered under the contract. Such bond shall be with a corporate surety with a corporate surety authorized to do business in Pennsylvania and acceptable to the Community College and in the amount of at least one hundred (100%) percent of the amount of the contract. Failure on the part of the contractor to furnish such bond shall void the award.

#### 4. Capital Equipment

All purchases of equipment shall be considered a capital expenditure if an individual item of equipment component cost in excess of \$4,000 and has an expected useful life in excess of one year

#### **Requisitions**

A purchasing transaction shall be initiated by means of a purchase requisition prepared in such form as is specified by the Purchasing Department. The requisition shall be approved by the head of the initiating unit of the Community College, certifying the proper authorization for the purchase and the availability of funds in the budget.

*\*Policy approved by Erie County Community College Board of Trustees: **April 14, 2021***

*\*Review Deadline: **April 14, 2026***

#### **Policy VI.A.2: Contracting Practices and Management**

A contract is defined as any document that contains an agreement between the College and an external party which imposes any obligation on the College, provides a benefit to the College, or affects the College's rights, whether or not there is an exchange of funds between the College and the external party. A contract also may be called: an agreement, memorandum of understanding (MOU), memorandum of agreement (MOA), letter of intent, letter of agreement, license, lease, etc. This policy also includes any amendment, addendum, modification, correction, renewal, or extension of a contract.

#### **Contract Review**

All contracts should be initiated well in advance of the date the contract will start. All contracts must comply with the College's Conflicts of Interest Policy (III.E.4: Conflicts of Interest). All contracts must be reviewed by the Vice President of the Unit in which they originate or his or her designee. Contracts should also be reviewed with the Vice President of any other affected Unit. All contracts should be reviewed by the College's legal counsel. Contracts which involve the purchase of goods or services of \$10,000 or more must be reviewed by the Vice President of Business, Finance and Administration or his or her designee. Contracts Requiring Specific Board Authorization (VI.A.4: Purchases and Contracts Requiring Specific Board Authorization) must be authorized by the Board of Trustees.

#### **Contract Approval and Authorized Signatures:**

Contracts which are reviewed by the appropriate individuals in accordance with this policy and which otherwise comply with applicable College policies may be approved and executed only as follows:

- Contracts equal to or more than \$10,000 (in cost or revenue) must be approved and executed by the President of the College or his or her designee
- Contracts of less than \$10,000 (in cost or revenue) must be approved and executed by the Vice President for the Unit responsible for implementation of the contract (the originating unit) or his or her designee;
- All articulation agreements and Federal or Commonwealth of Pennsylvania grant contracts must be signed by the President or the Vice President designated in his or her absence

#### **Approval and Signature Procedure:**

Contracts must be submitted to the designated Administrator for signature.

#### **Final Contracts:**

All fully executed contracts must be retained consistent with the College's Records Management and Retention Policy (VI.B.1).

*\*Policy approved by Erie County Community College Board of Trustees: **April 14, 2021***

*\*Review Deadline: **April 14, 2026***

### **SECTION VI: Business Services**

#### **Subsection A: Managing Public Property/Resources**

##### **Policy VI.A.3: Disposal of Surplus Property**

The Vice President for Business, Finance and Administration will be notified of potential Surplus Property. The College will use reasonable efforts to redistribute property internally prior to declaring it as Surplus Property and disposing of it. Once it is determined that an item will not be internally redistributed it can be deemed Surplus Property by the Vice President for Business,



Finance and Administration and is subject to disposal. The College shall establish and maintain guidelines to determine the appropriate method(s) of disposal for Surplus Property. The method(s) of disposal should maximize net benefit to the College. The appropriate method(s) of disposal will vary by item and depend on the circumstances including value of item (both monetary and non-monetary), nature and extent of demand for the item, usefulness, recyclability of materials and cost of storage. Hazardous and other special materials and equipment may be restricted as to disposition method and source. Surplus Property should be disposed of by the College within one year of reaching Surplus Property status. Exceptions must be approved by the Vice President for Business, Finance and Administration and the President.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

#### **Policy VI.A.4: Purchases and Contracts Requiring Board Authorization**

The Board of Trustees assumes the ultimate responsibility for the operation of the College, the prudent use of its resources, and for maintaining productive and supportive relations with regulatory and funding agencies. In exercising its responsibility to the public, the Erie County Community College Board of Trustees approves the annual budget prior to the start of each fiscal year. In addition to approving the aggregate budget plan, the Board will specifically approve certain types of expenditures and contractual relationships. These specific approvals may occur either as a part of the annual budget adoption process or as individual items brought to the Board during the course of the fiscal year.

#### **The following financial transactions require specific Board approval:**

- *Development of New or Modified Facilities* - Any program for the development or modification of a college facility and associated equipment with a total project value of fifty thousand dollars (\$50,000) or greater.
- *Construction Change Orders* - Any construction change order with a unit value of fifty thousand dollars (\$50,000) or greater. Normally the construction change order should be approved by the Board before it is authorized by the College administration. If a postponement in approving a change order would seriously delay an essential project or create an exposure to contractor claims for delay of project, and if the change order can be accommodated within available construction dollars, then the President after consulting with and receiving approval from the Chair of the Board, may authorize proceeding with the change order with the understanding that the change order will be presented to the Board at its next scheduled meeting.
- *Capital Purchases or Leases* - Any single item or combination of complementary capital items with an annual cost of fifty thousand dollars (\$50,000). This includes both property leases and capital purchases.
- *Capital Write-Offs* - Disposal of capital equipment and other real property with an original acquisition price of fifty thousand dollars (\$50,000) or greater.
- *Real Estate Acquisition* - All acquisition of real estate including land and buildings. Potential real estate gifts to the College must be formally accepted by the Board before title to the property is transferred.
- *Debt Obligations* - Any agreements to borrow funds on behalf of the College. This includes both long-term debt such as bonds and mortgages as well as short-term borrowing for operating purposes.
- *Accounts Receivable Write-Offs* - Payments from any one source due to the College with a book value of twenty-five thousand dollars (\$25,000) or greater for which staff believe there is no basis to expect payment.
- *Professional and Other Services* - Engagement of professional and any other service, regardless of type, with an expected annual expense or revenue volume of fifty thousand dollars (\$50,000) or greater, requires Board approval. Purchase of other services with an expected value less than \$50,000 whose costs are contained within the approved college budget may be authorized by the President or his or her designee.
- *Renewals, Extensions and Change Orders for Professional and Other Services*
  - o Contract renewal options, if presented to the Board at the time of initial award with a stated dollar value, do not require a subsequent Board approval.
  - o Contract extensions of a twelve-month duration or less do not require Board approval unless the annualized value of the extension exceeds 110% of the annual value of the expiring contract. No more than two (2) twelve-month extensions are permitted without approval by the Board of Trustees.
  - o Change orders to contracts for professional or other services that cause the value of a contract to exceed \$50,000 require that the modified contract be approved by the Board of Trustees. If a postponement in approving a change order would seriously delay an essential project, then the President may authorize proceeding with the change order, after consulting with and receiving approval from the Chair of the Board, with the understanding that the modified contract will be presented to the Board at its next scheduled meeting.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***



### **Policy VI.A.5: Expenditure Approval Requirements**

The purpose of this policy is to define institutional approval levels which are required for institutional expenditures. Expenditures on behalf of the College fall into six categories:

- I. Petty cash
- II. Operating budget expenditures
- III. Capital budget expenses
- IV. Facilities (project) development
- V. External agreements
- VI. Grant Expenditures

Approval requirements for expenditures in each of these areas are discussed below.

#### **I. Petty Cash Expenditures**

Internal financial control procedures, as well as the requirements of outside auditors, specify that College personnel should not approve their own petty cash expenditures. To conform with this principle, the following hierarchy of petty cash expenditure approval is indicated:

- A. Petty cash vouchers must be approved by those responsible for specific organizational units for expenditures incurred within their area of responsibility.
- B. Expenditures must be approved by a supervisor.
- C. The expenditures of Senior Officers must be approved by the President or designee.
- D. In every case possible, proof of expenditure should be provided at the time petty cash accounts are reconciled. For out-of-pocket expenditures greater than fifty dollars (\$50), a check request form must be used. College employees are encouraged to use the check request process as a means of reimbursement for personally incurred expenses incurred on the College's behalf.
- E. The College may deny reimbursement if a petty cash voucher is not submitted within 45 days of the out-of-pocket expenditure date.

#### **II. Operating Budget Expenditures**

Trustee approval of the operating budget is approval to effect the programs contained therein. Within the guidelines provided below, the Organizational unit manager is authorized to undertake the expenditures contained within the approved budget plan.

All supplies and other goods or services (except small dollar value equipment repair, memberships, subscriptions, capital items or travel) should be requisitioned using a College approved requisition. Equipment and property leases should be coordinated with the Controller to ensure compliance with Commonwealth regulations. All purchase requisitions must be approved by an Organizational unit Manager, their Supervisor, or the Senior Officer. Under no circumstances should an approved signature or electronic authorization be provided by anyone other than the responsible individual.

Organizational unit Managers are authorized to approve all operating expenditures to a level of \$1,000. A lower approval threshold may be requested by a supervisor.

Deans and Directors are authorized to approve all operating expenditures to a level of \$5,000. A lower approval threshold may be requested by their Senior Officer.

Senior Officers are authorized to approve all operating expenditures to a level of \$10,000.

Change order requests to existing Purchase Orders are to be prepared on a paper Purchase Requisition Form and require the following information:

- 1. Original Purchase Order Number
- 2. Description/Reason for the change request
- 3. Dollar Amount of requested change
- 4. Dollar Amount of original purchase order
- 5. Total Amount of Purchase order including the change order amount

Any purchase requisition with a value of \$10,000 or greater must be approved by the President. This includes requests for change orders which, when added to the original purchase order value, will cause the cumulative value of the purchase order to exceed \$10,000.



No commitment may be made involving consulting services where the commitment within any fiscal year will exceed \$10,000 without presidential approval.

### **III. Capital Expenditures**

A Capital Expenditure is defined as an expenditure for the purchase of land, building, equipment, software, machinery, furniture and fixtures where the unit cost of an individual item is \$4,000 or greater and the expected life of the item exceeds one year. Furniture and fixture expenditures related to the outfitting of complete rooms, where the unit cost of individual items are less than \$4,000 may be considered capital expenditures under certain circumstances. The Controller must be contacted for a decision on these situations.

A. Capital budget expenditures of less than ten thousand dollars (\$10,000), which are reflected in approved line item budgets, require approval by the Organizational unit Manager, the unit supervisor (e.g. Dean) and the Senior Officer. Any capital item not included in the approved capital budget and any requisition \$10,000 or greater also require the approval of the President. Requisition for items not included in the approved capital budget must be accompanied by an explanatory memo and budget adjustment form, if needed, showing the source of funding that will be used to pay for the unbudgeted capital item. In situations where the College has deferred approving a capital budget, all requisitions require the approval of the President and must be accompanied by an explanatory memo and a budget adjustment form.

B. Any single capital item or combination of complementary items with a value of fifty thousand dollars (\$50,000) or greater requested for purchase requires the approval of the Board of Trustees. Written justification for such purchases should be presented to the Vice President for Business, Finance and Administration along with the purchase requisition for budgetary review and placement on the agenda of the Board.

C. Normally the budget plan approved by the Board will contain a line-item capital budget. Board adoption of the annual budget constitutes authority to proceed with the purchase of all capital items itemized in the budget. However, since the Commonwealth decisions with respect to the level of capital funds that will be made available are frequently delayed, authorization to

Organizational unit managers to begin to purchase capital items in an approved budget may be delayed pending a release of state dollars for capital purchases.

### **IV. Facilities (Project) Development**

Any program for development or modification of College-owned facilities and equipment involving the use of bond or loan proceeds or other special capital funding source requires the approval of the Board of Trustees. Written justification for such development along with the purchase requisition and planning documents, approved by the President, must be presented to the Vice President for Business, Finance and Administration for placement on the agenda of the Board.

All College development projects with a value of fifty thousand dollars (\$50,000) or greater must have prior Board approval.

### **V. External Agreements**

Agreements involving the College in contractual arrangements with other institutions or agencies may not be made without approval of the President or his or her designee.

### **VI. Grant Expenditures**

In addition to the above requirements, approvals for grant expenditures are determined by the Controller in order to comply with the requirements of the grantor. Each grant will be assigned a financial administrator who will adhere to the approval processes determined by the Controller.

### **VII. Designation of Signature Authority**

Occasionally, because of vacations or absences from campus, it will be necessary for someone other than the Organizational unit managers to authorize expenditures. If this occurs, a memo authorizing an alternative signature should be sent to the Controller. No alternative signature for expenditure will be honored unless there is an authorizing memo on file.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

## **SECTION VI: Business Services**

### **Subsection B: Protecting Institutional Information**

#### **Policy VI.B.1: Records Management & Retention**

##### **Policy**

It is the policy of Erie County Community College to comply with applicable laws and best practices with regard to the records it maintains, and to apply those laws and practices consistently across College units.



## Definitions

- Confidential Record – The following types of Records are considered confidential:
  - o “Education records” as defined by the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended;
  - o Individual employment records, including records which concern hiring, appointment, promotion, tenure, compensation, performance, termination or other circumstances of employment;
  - o Records that include “protected health information” as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA);
  - o Records the use of which has been restricted by contract;
  - o All administrative records of the College, with exceptions as specifically defined by the College’s legal counsel including those records which must be open in conformance with Pennsylvania’s Right-to-Know Law, as amended; and
  - o Records which might expose the College to legal liability if treated as non-confidential.
  
- Duplicate Record-A copy of a Record maintained by a College unit other than the Responsible Unit.
  - o Electronic Record
  - o Any Record that is created, received, maintained and/or stored on College local workstations or central servers, regardless of the application used to create that Record. Examples of Electronic Records include, but are not limited to, electronic mail, word processing documents, scanned documents, spreadsheets and databases.
  - o Originating Unit
  - o The College Unit where a Record is first created or received from a sender external to the College.
  - o Paper Record
  - o Any Record maintained in a hard copy paper format, regardless of whether the Record was originally created on paper or as an Electronic Record.
  - o Required Retention Period
  - o The retention period that will be identified in a Records Retention Schedule to be developed and updated in conjunction with the responsible unit with advice from the College’s legal counsel.
  - o Responsible Unit
  - o The College Unit responsible for ensuring that a particular Record is maintained for the Required Retention Period.

## Electronic Records

Unless otherwise specifically set forth in this Policy, maintenance and disposition of Electronic Records shall proceed on the same basis as Paper Records.

## Safeguards Against Unauthorized or Accidental Disclosure

Until Records are properly disposed in accordance with the Records Retention Schedule, each Unit of the College is accountable for securing and maintaining its Records, regardless of format or location. Each Unit is accountable for ensuring that employees, and others, are only granted access to Confidential Records essential to the performance of their duties. Further, each Unit must ensure that those granted access are trained and employ reasonable safeguards to protect the Confidential Records.

### Records Retention Schedule

The Records Retention Schedule will set forth the length of time Records should be retained by the Responsible Unit. The Schedule will be developed in coordination with the Unit.

The College should consult legal counsel about any Records not encompassed within the Records Retention Schedule. The College’s legal counsel will determine, in consultation with the appropriate Unit, whether to destroy the Records in question or add those Records to the Records Retention Schedule.

Recognizing that the Responsible Unit must maintain Records in accordance with the Records Retention Schedule, Duplicate Records should be destroyed and disposed of as early as practical once no longer necessary to the operation of the Unit maintaining the Duplicate Record.

Certain categories of Records may be subject to a “review annually” Retention Period. Personnel in the Originating Unit will review those files annually, disposing of Records that are no longer necessary for or relevant to the operation of the Originating Unit.

## Extended Retention Period

Records which are retained beyond the Required Retention Period should be destroyed and disposed of, in accordance with this Policy, as early as practical.

## Destruction Authorization

Destruction of Electronic Records will be a coordinated effort between the Responsible Office and the College’s Information Technology Unit. When the Required Retention Period for Electronic Records expires, the Responsible Unit will initiate the process for the Records’ destruction and disposal. The destruction of those Electronic Records will be authorized jointly by the senior officer in the Responsible Unit and the Director of Information Technology. If those individuals are unable to agree, destruction will be





stayed pending review and final determination by the College's legal counsel.

Paper Records which are no longer needed by the Responsible Unit for the day-to-day operation of that unit may be identified by staff within the Responsible Unit and transferred to the College's records storage areas. When the Required Retention Period for those Records expires, the Responsible Unit shall initiate the process for the Records' destruction and disposal. The destruction of those Records shall be authorized jointly by the Vice President for Business, Finance and Administration and the senior officer of the Responsible Unit.

If those individuals are unable to agree, destruction will be stayed pending review and final determination by the College's legal counsel. If Paper Records are still located within the Responsible Unit as of the expiration of the Required Retention Period applicable to them, the senior officer of the Responsible Unit will initiate the process for the Records' destruction and disposal.

#### **Safe and Secure Disposal**

All Paper Records constituting Confidential Records covered by the Records Retention Schedule shall be destroyed by shredding. All Electronic Records covered by the Records Retention Schedule shall be destroyed by or under the supervision of the Director of Information Technology.

#### **Destruction Record [Certificate of Destruction]**

The Certificate of Destruction contains an inventory describing and documenting every Record, in any format, that has been authorized for destruction, as well as the date and method of destruction.

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*\*Review Deadline: **March 31, 2026***

### **SECTION VII: Facilities, Safety and Security**

#### **Subsection A: Safety Measures**

##### **Policy VII.A.1: Threat Assessment**

A Threat is any conduct that is perceived as being dangerous to the physical and/or emotional well-being of another person or the College community in general. A Threat Assessment is intended to ensure the well-being and safety of the College community and to assess an individual's particular physical, emotional, and psychological well-being to help them receive the assistance needed in order to be a productive member of the College community. The College seeks to provide early assistance to an individual in distress to prevent a situation from becoming more serious; however, a Threat Assessment may result in disciplinary action.

##### **Immediate Substantive Threat**

College security will determine if a situation is an immediate danger to the College community. In Immediate Substantive Threat situations, College security will have the right to act immediately in the best interest of the College community. If College security determines that a reported behavior is a danger to the physical and/or emotional well-being of individuals, they will dial 9-1-1 immediately to receive assistance from local police and authorities. Transient Threat

The College will establish a Threat Assessment Team to respond to Transient Threats (i.e., Threats that are not Immediate Substantive Threats). If a conflict of interest arises for any of the Team members, the President shall appoint a substitute for that individual. This Team shall review Transient Threats and also will convene for evaluation and follow-up after all Immediate Substantive Threats. The Threat Assessment Team will be trained.

##### **Reporting a Threat**

Any concerned individual may contact College Security, a Counselor, or Senior College Administrator to report a Threat. It is mandatory that the individual who reports the threat do so in writing if the situation does not require immediate action. The recipient of the written report shall immediately provide the information to Campus security to alert the Threat Assessment Team. Upon receipt of the notification, the Threat Assessment Team shall proceed with an established Threat Assessment Process. The process will include investigation, evaluation and recommendations to the Vice President for Business, Finance and Administration. The Vice President will be charged with ensuring that appropriate action follows the conclusion of the work of the Threat Assessment Team.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

##### **Policy VII.A.2: Security and Workplace Safety**

Erie County Community College strives to have a workplace that is healthy, secure and safe for students, employees and visitors. The Vice President for Business, Finance and Administration has primary responsibility for implementing, administering,



monitoring, and evaluating College safety, but all members of the College community are encouraged to be engaged in efforts to support a healthy, secure and safe College environment.

The College will provide timely information to students and employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, postings, memos, or other written or electronic communications.

Each student, employee and visitor is expected to obey health and safety rules and to exercise caution in all activities.

Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination.

*\*Policy approved by Erie County Community College Board of Trustees: **March 31, 2021***

*\*Review Deadline: **March 31, 2026***

### **Policy VII.A.3: Acceptable Behavior**

Erie County Community College seeks to create a caring and inclusive environment which is academically and culturally dynamic and encourages all students to achieve. The College has the authority to maintain good order and discipline in the furtherance of its mission. As such, the College expects all individuals to conduct themselves in an appropriate manner while on College property. Behavior becomes unacceptable when it impinges on the rights of others, or when it could result in damage to College facilities, equipment, or materials. Those behaving in an unacceptable manner will be asked to modify their behavior or to leave the premises. College security staff will be contacted if necessary.

Unacceptable behavior includes, but is not limited to, the following:

- Harassing language or language of a discriminatory nature
- Messages that harass or threaten others
- Excessive or disruptive noise
- Consumption of tobacco, alcohol, or illegal substances inside college buildings or directly outside building entrances
- Disorderly, disruptive, or threatening behavior, such as engaging in unwanted or inappropriate interactions
- Making threats to the personal safety of employees, or committing violent acts
- Engaging in sexual offenses, including indecent exposure, inappropriate sexual advances (physical or verbal), or contributing to a sexually harassing environment
- Violations of local, state, or federal law
- Destroying or damaging College property

Note:

- Children under 18 must be supervised by a responsible adult at all times.
- Inappropriate behavior by enrolled students or employees is subject to disciplinary sanctions.

*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

*\*Review Deadline: **March 24, 2026***

## **SECTION VII: Facilities, Safety and Security**

### **Subsection B: Environment**

#### **Policy VII.B.1: Smoke-free Environment**

Due to the well-documented health risks associated with smoking and exposure to second-hand smoke and in order to create a healthier environment for all students, employees, volunteers, independent contractors, and visitors of Erie County Community College, all College sites will be smoke-free. Smoking, including the use of nicotine-delivery systems, is, without exception, prohibited at all Erie County Community College sites.

#### **Accountability**

All employees of the College are asked to support smoke-free campus efforts by following this policy and informing those who are in violation of the policy.

#### **Applicability**

This policy applies to all students, employees, volunteers, independent contractors and visitors to the College.



*\*Policy approved by Erie County Community College Board of Trustees: **March 24, 2021***

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### **VII.B.2 Drug Free Workplace**

The College prohibits the unlawful manufacture, distribution, sale, possession and/or use of illegal drugs, unauthorized controlled substances, alcohol, or similar activity at any College facility or College event. Violations of this Policy will result in appropriate corrective and/or disciplinary action up to and including termination. In compliance with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989, and other legislative requirements, all employees of the College must abide by this Policy and the regulations and procedures which implement this Policy as a condition of employment. The College will implement all the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 including a drug and alcohol awareness program. Conviction under Criminal Drug Statute An employee must provide written notice to the College's chief human resources officer of a conviction of a crime involving the use, sale, or distribution of drugs within five (5) days of such conviction.

If the conviction involves a federal grant employee, the College's chief human resources officer will notify the appropriate federal contracting agency within ten (10) days of receiving notification of such conviction. Standards of Conduct In accordance with the foregoing, the following conduct is expressly prohibited:

1. Use, possession, control, storage, manufacture, distribution, dispensation or sale of or solicitation to buy or sell illegal drugs, drug paraphernalia, or unauthorized controlled substances on College premises, at College events, on College business, in College vehicles, or anytime an employee is working for the College or being paid by the College.
2. Manufacture, dispensation or sale of, solicitation to buy or sell alcohol, or unlawful possession of alcohol on College premises, in College vehicles, or anytime the employee is actively at work.
3. Legal use of alcohol on College premises is limited to special occasions specifically and expressly approved by the President of the College.
4. Use of an unauthorized controlled substance, illegal drug or alcohol so as to adversely affect the employee's work performance, the employee's safety or the safety of others. 54
5. Refusing to participate in or successfully complete a required drug or alcohol counseling or rehabilitation program and/or job performance remediation plan.
6. Conviction under any criminal drug statute or for any criminal offense involving controlled substances, illegal drugs or alcohol.
7. Failure to notify the College of conviction under any criminal drug statute for violations occurring in the workplace within five (5) days of conviction. Employee Awareness and Assistance Programs The College will develop programs and materials which provide information describing the danger of drugs and alcohol in the workplace, and identifying resources to assist employees who are dealing with drug and alcohol related problems

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## **SECTION VII: Facilities, Safety and Security**

### **Subsection C: Use of College Equipment and Facilities**

#### **Policy VII.C.1: Use of College Equipment and Facilities**

Equipment and facilities owned or leased by Erie County Community College are primarily intended to support the educational mission of the College. Equipment and use of facilities are for current and prospective students, employees and others having an official contract or connection to the College.

The College may make equipment and facilities available for reasonable public use when the purposes of the event are consistent with those of Erie County Community College, the use has the approval of the President and does not disrupt the normal business operations of the College. The nature and extent of such use are governed by applicable College policies and procedures and any applicable laws and regulations.

Fees may be assessed and organizations may be required to have insurance and meet other requirements for use of College facilities.

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*\*Review Deadline: **March 31, 2026***

