

NASSAU COMMUNITY COLLEGE
Garden City, New York 11530

Board of Trustees Policy & Planning Committee Meeting Minutes

September 8, 2020

The meeting of the Policy & Planning Committee of the Board of Trustees was held via Zoom. The meeting was called to order by Chair Weiss at 5:49 p.m.

Committee Members Present: Kathy Weiss, Chair
John DeGrace
Jorge Gardyn (ex-officio)

Committee Members Absent: Donna Tuman

Also in Attendance: Linda Green, Wanda Jackson,
Ed Powers, George Siberón
President Williams, Donna Haugen,
Craig Wright, Alla Brodsky

1. Chair Weiss requested a motion to approve the minutes of May 12, 2020. Trustee Green moved the motion. Trustee Weiss seconded the motion. Motion carried 3-0.
2. Chair Weiss requested a motion to approve the minutes of June 9, 2020. Trustee DeGrace moved the motion. Trustee Weiss seconded the motion. Motion carried 3-0.
3. Chair Weiss introduced Policy 2210: Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations for discussion. She explained that the U.S. Department of Education at the federal level issued a ruling that changed numerous rules related to sexual harassment investigations and that all educational institutions receiving federal assistance are required to be in compliance with its final rule by August 14, 2020. Trustee Weiss added that there were significant changes which she personally does not like, but we don't have a choice, therefore, she recommended that the committee approves Policy 2210 to forward to the Full Board for adoption tonight, September 8, 2020.

Alla Brodsky commented the new Title IX rule significantly narrowed the definition of what constitutes sexual harassment and imposed fairly stringent requirements for how to investigate and address complaints of sexual harassment. One of the most challenging among the new requirements is that now a live hearing must be held for all sexual harassment complaints, and while the hearing may be held either in-person, or virtually, at the hearing the respondent and complainant must have the opportunity to cross examine each other with the assistance of an advisor, which is a process NCC never had in place prior to this. Another big change in the regulations is that the role of the investigator and the role of the decision-maker or adjudicator must now be performed by two different people, which is also a big change to our current process, where the investigator and the adjudicator role is performed by one person. It's going to be a challenge for us to put into place new procedures to comply with all the requirements of the new regulations. Finally, one thing I want to mention is that based on guidance from SUNY, we will keep in place the College's current Sexual Harassment Policy for complaints that may not fall under the new narrow definition of Title IX. This will allow the College to address complaints which may otherwise have needed to be dismissed.

Chair Weiss asked if there were any questions on the Policy. There being none, she further commented that she is happy that we are keeping our former policy also so that under the new final rule from the Department of Education if it's not a judicated as harassment we can still go ahead and take a look at it under our policy so that some of our students are protected in a different way.

Chair Weiss introduced the following resolution:

RESOLVED, that the Board of Trustees Policy & Planning Committee herewith affirmatively recommends and refers Policy 2210: Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations to the Full Board for discussion and reading, and adoption at its Board meeting scheduled for September 8, 2020, and that the same be subsequently incorporated into the policy manual of the Board of Trustees of Nassau Community College after the passing of the policy by the Board of Trustees.

Chair Weiss requested a motion to forward this resolution to the Board of Trustees for approval. Trustee Weiss made the motion; seconded by Trustee DeGrace. Motion carried 3-0.

Chair Weiss asked if there were any other items for the Committee to consider. There being none, the meeting adjourned at 5:56 p.m.

Respectfully submitted,

Donna M. Haugen

Donna M. Haugen
General Counsel