<u>AGENDA</u>

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approval of Agenda
- V. Public Comment
- VI. Consideration of Minutes for Meeting held on March 26, 2024
- VII. COMMITTEE REPORTS
 - A. Academic & Student Affairs (L. Ghartey, Chair)
 - B. Board Policy (I. Guzman, Chair)
 - Approval to Open the Public Hearing to a proposed policy to modify the college's Admission Age requirement as outlined in the College Catalog (Res #. 2024-36)
 - Approval to Close the Public Hearing discuss a proposed policy to modify the college's Admission Age requirement as outlined in the College Catalog (Res#. 2024-37)
 - 3. Approval of the Board Action Plan (Res#. 2024-38)
 - C. Finance & Facilities (S. Caswell, Chair)
 - 1. Approval of the Audit for Fiscal Year 2022-2023 (Res. #2024-39)
 - D. Personnel and Community Relations (A. Flesland)
 - Approval of correction to Professional Staff Title: Chief Information Security Officer (Res. #2024-40)
- VIII. Report of the Student Trustee
- IX. Report of the Chairperson
- X. Report of the President
- XI. Other Business
- XII. Date of Next Meeting May 28, 2024
- XIII. Adjournment

DUTCHESS COMMUNITY COLLEGE

Minutes Board of Trustees Meeting March 26, 2024

<u>Trustees Present:</u> Mr. Michael Francis Dupree, Chair; Mr. Frank Castella, Mr. Stephen

Caswell, Ms. Darrah Cloud, Ms. Angela Flesland, Ms. Lisa Ghartey, Ms. Evelyn Panichi, Ms. Linda Pratt, Ms. Maya Chinkan and Dr.

Peter Grant Jordan President

Remote: Ms. Angela Flesland

Absent: Mr. Ibis Guzman

- I. The meeting was called to order at 7:07 p.m. by Chairperson Dupree.
- II. Mr. Caswell led the Pledge of Allegiance.
- III. Roll Call by Ms. Ponticello, quorum present.

IV. Approval of Agenda:

Upon motion made by Ms. Pratt, seconded by Mr. Castella, voted on and duly carried the agenda was approved as distributed.

V. Public Comment

There were no requests to address the Board.

VI. Consideration of Minutes for Meeting held on January 23, 2024:

Upon motion made by Mr. Castella seconded by Ms. Flesland, voted on and duly carried, the minutes were approved as distributed.

VII. <u>COMMITTEE REPORTS</u>

Chairperson Dupree noted for the minutes that all of the resolutions that are presented to the Board for approval are reviewed and discussed at committee meetings prior to the Board meeting.

A. Academic and Student Affairs Committee (D. Cloud)

Ms. Cloud provided the Board with a summary of items discussed at the last Academic and Student Affairs Committee held on March 13, 2024.

- 1. Approval of the Revised Academic Calendar (Res #2024-30)
- **D. Cloud** offers the following resolution and moves its adoption:

WHEREAS, a review of the College's Academic Calendar was undertaken with input from faculty, staff and students, and

WHEREAS, it has been determined that a later start date for the spring semester has the potential to increase enrollment and would be beneficial to both students and the College, and

WHEREAS, the summer sessions are being reviewed to determine the most reasonable schedule for our students, now, therefore, be it

RESOLVED, that approval is hereby given to revise the Academic Calendar to change the start date for the spring semester to January 21, 2025 through May 13, 2025 and revise the schedule for summer session I to begin on May 20, 2025 through June 26, 2025, and, be it

FURTHER RESOLVED, that this change will be effective starting in spring 2025.

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Seconded by L. Ghartey

Motion Carried Unanimously

B. Board Policy (L. Pratt)

Ms. Pratt provided the Board with a summary of items discussed at the last Board Policy Committee meeting held on March 13, 2024:

C. Finance & Facilities (S. Caswell, Chair)

Mr. Caswell provided the Board with a summary of items discussed at the last Finance & Facilities Committee meeting on March 11, 2024.

- 1. Approval of the PowerProtect Data Domain (Res #2024-31)
- **S. Caswell** offers the following resolution and moves its adoption:

WHEREAS, there have been sharp rises in the volume and velocity of ransomware attacks, and the College's current backup systems are over ten years old and do not have the data protection technologies needed, and

WHEREAS, backup systems are critical to preserving sensitive data files from ransomware, theft, sabotage, and accidental loss, and

WHEREAS, a three-year quote was received from Distributed Technology Group for PowerProtect Data Domain 6900, which is technology to improve the College's cyber security, and help protect against a possible cyber-attack, and

WHEREAS, funds for Data Domain technology are available through the College's Fund Balance, and

WHEREAS, PowerProtect Data Domain 6900 is on New York State Contract and complies with the College's procurement policy, now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the purchase of PowerProtect Data Domain 6900 through the College Fund Balance in an amount of \$172,968.79.

* * * * *

Seconded by L. Pratt

Motion Carried Unanimously

D. Personnel & Community Relations (F. Castella)

Mr. Castella provided the Board with a summary of items discussed at the last Personnel & Community Relations Committee meeting held on March 14, 2024.

- 1. Approval of Promotion and Tenure (Res # 2024-32)
- **F. Castella** offers the following resolution and moves its adoption:

BE IT RESOLVED, that, based upon the recommendation of the President of the College, the following faculty member be granted tenure, effective September 1, 2024:

Meghan McCarthy, Assistant Professor in the Department of Business Architecture and Construction Professions

And, be it

FURTHER RESOLVED, that, based upon the recommendation of the President of the College, the following faculty members are promoted in rank effective September 1, 2024:

From Assistant Professor to Associate Professor

Teresa Burke, Department of Allied Health and Biological Sciences Kevin Lang, Department of English and Humanities Katherine Espinosa, Department of Allied Health and Biological Sciences

Meghan McCarthy, Department of Business, Aviation and Construction Professions

Mariana Melo, Department of Allied Health and Biological Sciences Matthew Murray, Department of History, Government and Economics

From Associate Professor to Full Professor

Tommy Costello, Department of Performing, Visual Arts and Communications

Tina Iraca, Department of English and Humanities Treesa Scaria, Department of Nursing

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Seconded by L. Ghartey

Motion Carried Unanimously

- 2. Approval of Sabbatical Leave for Faculty Members (Res #: 2024-33)
- **F. Castella** offers the following resolution and moves its adoption:

BE IT RESOLVED, that, based upon the recommendation of the President of the College, and dependent upon resources in the 2024-2025 budget, the following members of the faculty are granted a sabbatical leave for the time period and pay indicated:

Dr. Michael Boden, Associate Professor, Department of History, Government, and Economics, for the 2024 Fall semester, at full pay

Renee Lathrop, Professor, Department of Physical Sciences, Engineering, and Technology for the 2025 Spring semester, at full pay

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Seconded by L. Pratt

Motion Carried Unanimously

- 3. Approval of the Early Retirement/Granting of Emeritus Status (Res # 2024-34)
- **F. Castella** offers the following resolution and moves its adoption:

BE IT RESOLVED, that, based upon the recommendation of the President of the College, the early retirement of Bridgette Anderson, Associate Vice President of Administration, Campus Facilities is hereby approved to be effective August 31, 2024, and be it

FURTHER RESOLVED, that approval is granted to pay the appropriate benefits earned, and be it

FURTHER RESOLVED, that, in recognition of her dedicated service to Dutchess Community College, she be granted emeritus status upon her retirement, and be it

FURTHER RESOLVED, that the Board of Trustees extends its sincere appreciation to Ms. Anderson for her valuable contribution to the College's educational program during her tenure and wishes her the very best in her retirement and future endeavors.

* * * * *

Seconded by **D. Cloud**

Motion Carried Unanimously

- 4. Acceptance of Retirement/Granting of Emeritus Status (Res # 2024-35)
- **F. Castella** offers the following resolution and moves its adoption:

BE IT RESOLVED, that, based upon the recommendation of the President of the College, the retirement of Ahmed Ismail, Associate Professor in the Department of Business, Aviation and Construction Professions, is hereby granted, effective August 21, 2024, and be it

FURTHER RESOLVED, that approval is granted to pay the appropriate benefits earned, and be it

FURTHER RESOLVED, that, in recognition of his dedicated service to Dutchess Community College, Professor Ismail be granted emeritus status upon his retirement, and be it

FURTHER RESOLVED, that the Board of Trustees extends its sincere appreciation to Professor Ismail for his valuable contributions to the College's educational program during his tenure and wishes him the very best in his retirement and future endeavors.

* * * * *

Seconded by E. Panichi

Motion Carried Unanimously

VIII. Report of the Student Trustee

Ms. Chinkan reported on the creation of three new clubs on campus, the "Cookie for your Thoughts" event which brought student concerns to light, SGA's visit from Dr. Linda Haas-Manley who discussed the "Dress for Success" and job fair events.

Ms. Chinkan concluded her report by discussing a potential meeting with SGA and Chartwells, and discussions with students on hopes to bring back the Presidents fireside chat events.

IX. Report of the Chairperson

Chairman Dupree highlighted college-wide activities for the month of March 2024.

X. Report of the President.

President Jordan reported on the launch of Women's History Month.

President Jordan concluded his report by introducing the Men's Basketball team to the campus community and congratulated the team on this season's accomplishments.

XI. Other Business

There was none.

XII. Date of Next Meeting

The next meeting of the Board of Trustees will be held on April 30, 2024 at 6:30 p.m.

XIII. Adjournment

There being no further business to discuss, a motion was made by Ms. Cloud, seconded by Ms. Pratt, voted on, and duly carried, to adjourn the meeting. The meeting adjourned at 7:42 p.m.

Respectfully submitted,

Joia Ponticello Executive Assistant

RESOLUTION NO. <u>2024-36</u>	Board of Trustees, Dutchess Community College April 30, 2024	
	offers the following resolution and moves its adoption:	
•	ommended by the President of the College, the Board of g to review a proposed Admission Age Requirement	
	* * * *	
Seconded by		

Policy Title: Admissions Policy - Age Requirement

Policy Statement

The purpose of this policy is to modify the age requirement for admission to Dutchess Community College as outlined in the college's catalog. This policy ensures equal access to educational opportunities for all qualified applicants who are 14 years old or older, while also safeguarding the well-being and appropriate educational experiences of minors. This policy also allows for exceptions to that age limit that may be granted in unusual circumstances and with appropriate assurances.

I. Age Requirement

- A. Admission and enrolment decisions for all students aged 14 and older (or enrolled in a high school) will be based solely on an applicant's qualifications, academic potential, academic maturity, and ability to meet the established admission criteria.
- B. DCC recognizes there may be unusual circumstances that warrant the enrollment of a student under the age of 14, who is not enrolled in a high school, and is deemed eligible for admission following an interview and review of requested documentation attesting to academic and social maturity. Such students may register for classes with permission from the Vice President for Enrollment & Student Success.
- C. Applicants who are minors (under the age of 18) may be subject to additional requirements and considerations, as outlined in Section II below.

II. Guidelines for Minors Taking DCC Courses

- D. DCC recognizes the importance of providing a safe and appropriate educational environment for minors. The institution acknowledges that any course may contain adult content that may not be suitable for all minors, and asserts that it is the responsibility of parent/guardian to request and review course outlines and texts before consenting to student enrollment. In connection with the exercise of this responsibility, parents/guardians may request an opportunity to review course outlines and texts by contacting the Vice President for Enrollment & Student Success.
- E. Minors who wish to enroll in courses must demonstrate academic and social maturity and must have the explicit, written consent of a parent or legal guardian as collected via a prepared consent form. This form will also make clear that students are expected to be their own advocate and that parents should not expect the same access to instructors that they might in a secondary school.
- F. Bridge students who are minors must also have the permission of their guidance counselor for each course that they take to ensure applicability towards high school requirements.
- G. The decision regarding the appropriateness of material for a minor in any given course is the parent and/or legal representative's sole responsibility to ascertain as it is understood that the definition of "appropriate material" may vary by family."
- H. DCC reserves the right to determine that some courses are not appropriate for minors.

- I. DCC reserves the right to administratively withdraw a minor student who demonstrates that they are not academically or emotionally prepared for college level coursework.
- J. DCC reserves the right to make individualized determinations regarding the appropriateness of a course with adult content or other risk factors for a minor, taking into consideration the maturity, academic preparedness, and well-being of the student.
- K. DCC will employ established channels to address concerns or issues related to courses with adult content for minors, including advising and counseling staff.

III. Implementation and Monitoring

The President is responsible for implementing and monitoring this policy, in collaboration with the college's instruction and learning as well as the enrollment and student success teams. The President will provide regular updates and reports to the Board on the effectiveness of this policy.

IV. Review and Evaluation

This policy will be reviewed by the Board of Trustees to assess its effectiveness, relevance, and alignment with the college's strategic plan. Necessary revisions or updates will be made based on feedback and input from appropriate stakeholders and P-12 partners.

RESOLUTION NO. <u>2024-37</u>	Board of Trustees, Dutchess Community College April 30, 2024
	offers the following resolution and moves its adoption:
BE IT RESOLVED the Board of Admission Age Requirement po	f Trustees closes the public hearing on the proposed plicy.
	* * * *
Seconded by	

RESOLUTION NO. 2024-38	Board of Trustees, Dutchess Community College April 30, 2024	
	offers the following resolution and moves its adoption:	
WHEREAS, the President has devarious Board Committees, and	eveloped a Board Action Plan with significant input from	
WHEREAS, all members of the Eplan, and	Board of Trustees have reviewed the aforementioned	
WHEREAS, the Board of Trustee therefore, be it	es endorses the concepts outlined in the plan, now,	
	rustees hereby adopts the following Board Action Plan official minutes of this meeting, and is hereby approved.	
	* * * *	
Seconded by		

Dutchess Community College Board of Trustees

2024-28 Action Plan

The Dutchess Community College Board of Trustees will adopt the following action plan to drive the college's overall strategic direction, charge and evaluate the President, and guide policy development and decision-making.

BOT Strategic Outcome 1: Increase Graduation/Completion Rates

The Board will focus on the implementation of targeted recruitment, retention, and completion programs to improve graduation and completion rates. This includes creating a supportive learning environment and establishing partnerships with regional stakeholders.

Board actions will support efforts that include:

- 1. Adoption of national models and frameworks to drive institutional effectiveness, student success, and exemplary status among community colleges.
- 2. Development and implementation of targeted recruitment and retention programs to increase enrollment, graduation, and completion rates.
- 3. Enhancement of student support resources and initiatives to ensure successful student outcomes.
- 4. Implementation of data-driven strategies and tools to track, analyze, and improve student progress toward graduation.

BOT Strategic Outcome #1 aligns with Institutional Goal #1 and Institutional KPI #1 from the adopted DCC Strategic Plan.

Strategic Goal #1:

DCC provides students with a holistic educational experience which supports greater engagement, persistence and goal completion.

KPI #1:

Increase the 150% time completion rate to 40% for credit-bearing degrees, certificates, and micro-credentials by 2028.

- 5. Collaboration among administration, faculty, and staff to create the most supportive learning environment for student success.
- 6. Establishing partnerships with regional municipalities and government agencies, businesses, industries, as well as faith-based and community organizations to provide apprenticeships, internships, and job opportunities for students.

Strategic Outcome 2: Campus Revitalization

The Board will ensure investments in people, programs, and physical assets to revitalize the campus and make it a hub for education, culture, civic engagement, and recreation in the community. This includes acquiring and retaining top talent, enhancing academic programs, upgrading facilities, and promoting campus events.

BOT Strategic Outcome #2 aligns with Institutional Goal #4 and Institutional KPI #4 from the DCC Strategic Plan.

Board actions will support efforts that include:

- 1. Investment in faculty and staff development and employee learning programs to attract and retain top talent.
- 2. Enhancement and modification of academic programs to meet the needs of the community, grow enrollment, and sustain student engagement and completion.
- 3. Upgrading campus facilities and infrastructure to create a more modern and vibrant educational environment.
- 4. Promotion of campus events and activities to broadly engage the community and foster a greater sense of belonging.
- 5. Development of partnerships with local cultural, civic, and recreational organizations to enhance the campus experience.

Strategic Goal #4:

DCC offers the infrastructure required to support exceptional instruction and learning.

KPI #4:

Based on the Academic and Facilities master plan, conduct renovation and remodeling of identified campus facilities and services by 2028 to support state of the art teaching and learning.

Strategic Outcome 3: Improve Fiscal Health and Financial Stability

The Board's actions will strengthen the College's fiscal health and financial stability through a comprehensive financial review, cost-saving measures, long-term financial planning, and increased fundraising efforts. Regular monitoring of financial performance will be key to ensuring sustainability.

BOT Strategic Outcome #3 aligns with Institutional Goal #7 and Institutional KPI #7 from the DCC Strategic Plan.

Board actions will support efforts that include:

Strategic Goal #7:

1. A comprehensive financial review to identify areas for improvement.

DCC uses evidence to develop and improve

- 2. Implementation of cost-saving measures and revenue-generating initiatives.
- 3. Development of a long-term financial plan to ensure sustainability.
- 4. Enhancing fundraising and grant-writing efforts to increase revenue streams.
- 5. Monitoring financial performance regularly and adjusting strategies appropriately.

programming, marketing, recruitment and retention efforts to serve a larger and more diverse community of learners.

KPI #7:

Manage data and resources that support goals within a balanced budget and maintain a fund balance equal to 15% of the College's operating budget.

Strategic Outcome 4: Enhance Board Activities and Operations

The Board will focus on improving its activities and operations by redesigning meetings for better communication, clarifying roles and responsibilities, concentrating on strategic policy development, better alignment with the College Foundation, and enhancing Board members' knowledge and currency with more information and training opportunities for better decision-making.

Board actions will support efforts that include:

- 1. Redesigning the physical set-up of Board meetings to foster better communication, collaboration, and a more dynamic experience.
- 2. Defining clear roles and responsibilities for the Board and College administration to streamline decision-making processes.
- 3. Focusing Board activities on strategic policy development to guide the College's direction.
- 4. Establishing a clear relationship between the College and its Foundation to align strategic plans and foster greater collaboration.
- 6. Offering professional development opportunities such as newsletters, reports, conferences, meetings, and workshops to support Board learning, currency, and overall effectiveness.

BOT Strategic Outcome #4 aligns with Institutional Goal #5 and Institutional Goal #8 from the DCC Strategic Plan.

Strategic Goal #5:

DCC fosters an internal environment that promotes inclusion, collaboration and a deep sense of belonging.

Strategic Goal #8:

DCC is committed to employee learning and professional development to benefit individuals and the college.

This BOT Strategic Outcome does not map directly onto an identified institutional KPI.

By focusing on the actions outlined above, the Board of Trustees will work towards achieving the strategic outcomes identified in its 2024-28 Action Plan, moving the College towards success and excellence in education, community engagement, and responsiveness.

	Board of Trustees, Dutchess Community College April 30, 2024			
offers t	the following resolution and moves its adoption:			
WHEREAS, the Dutchess Community College Board of Trustees has a responsibility to conduct business according to prudent, professional, and accepted practices, and				
WHEREAS, the Financial Statements of Dutchess Community College for the fiscal year ending August 31, 2023 were reviewed by the outside auditing firm of Bonadio & Co. LLP, and				
WHEREAS, in the opinion of the independent auditors, the financial statements of the College conform with generally accepted accounting practices in all respects, and				
WHEREAS, the Board Finance and Facilities Committee has reviewed the audit and recommends that the Board of Trustees accept the audit for fiscal year 2022-2023, and				
WHEREAS, the members of the Board of Trustees have received copies of the audit for review, now, therefore, be it				
RESOLVED, that, based upon the recommendation of the Finance and Facilities Committee, the Board of Trustees hereby accepts the independent auditor's report for the fiscal year 2022-2023.				
	* * * *			
Seconded by				

RESOLUTION NO. 2024-40	Board of Trustees, Dutchess Community College April 30, 2024	
	offers the following resolution and moves its adoption:	
	ivil Service Law requires that title determination of be made by the Board of Trustees, and	
· · · · · · · · · · · · · · · · · · ·	ned that the Computer Information Security Officer on September 19, 2023 as per Resolution # 2024-13 ne needs of the College, and	
WHEREAS, the correct title for therefore	his position is Chief Information Security Officer, now,	
BE IT RESOLVED that approval Information Security Officer to C	is hereby given to amend the title of Computer hief Information Security Officer	
	* * * *	
Seconded by		

Dutchess Community College Job Description: Chief Information Security Officer

Job Title:		Chief Information Security Officer	
Division:	Finance and Administration	Department:	Information Technology
Level/Salary Range:	\$120,000 – \$135,000	Position Type:	Management Confidential

Job Description

Under the direction of the President or designee, the Chief Information Security Officer (CISO) is responsible for the development and delivery of a comprehensive information security and privacy program. This program is college-wide and includes all formats of information communication for all authorized users. Protecting information and infrastructure from internal or external threats and ensuring the compliance of all statutory and regulatory requirements regarding information access, security and privacy is of the utmost concern.

ROLE AND RESPONSIBILITIES

The CISO is responsible for the development and implementation of information security policies, standards and procedures to ensure the College is compliant with industry standards for information and cybersecurity. Performs ongoing security risk assessments. Develops procedures for auditing and incident prevention and response. Serves as the official campus contact for information security and privacy along with law enforcement entities, external auditors and agencies. Maintains breach insurance coverage policy and supporting information security policy. Development and delivery of an education and training program on security and privacy matters for the College. Maintains security devices such as routers, firewalls and other networking hardware/software.

The CISO provides oversight and directions of DCC's IT operations Including:

- Direct and approve the design of security systems and IT Controls;
- Develop and recommend policies and procedures to handle security incidents and coordinate investigative activities;
- Ensure that disaster recovery and business continuity plans are in place and tested;
- Develop and implement security policies, controls and cyber incident response planning;
- Review investigations after breaches or incidents, including impact analysis and recommendations for avoiding similar
- vulnerabilities;
- Maintain a current understanding of the IT threat landscape for the industry;
- Ensure compliance with changing laws and applicable regulations and translate that knowledge to identification of risks and implementation of actionable plans;
- Schedule periodic security audits;
- Oversee identity and access management and policies;
- Implement cyber security policies and procedures including communication and compliance;
- Manage all teams, employees, contractors and third-party vendors involved in IT security;
- Provide training and mentoring to security team members;
- Develop and implement a training plan for students, faculty, staff and community, including security awareness training;
- Monitor and update the cyber security strategy to leverage new technology and threat information;
- Brief the executive team on status and risks, including taking the role of champion for the overall strategy and necessary budget;
- · Communicate best practices and risk management strategies to campus community; and
- other duties as assigned.

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of common information security management frameworks, such as ISO/IEC 27001, and NIST;
- Excellent written and verbal communication skills and high level of personal integrity;
- Innovative thinking and leadership with an ability to lead and motivate cross-functional, interdisciplinary teams;
- Experience with contract and vendor negotiations and management including managed services;
- Specific experience in Agile (scaled) software development or other best in class development practices;
- Experience with Cloud computing/Elastic computing across virtualized environments;

Dutchess Community College Job Description: Chief Information Security Officer

- Strong understanding of a wide variety of cybersecurity attacks, threats, threat analysis, ethical hacking and system auditing coupled with experience with incident management;
- Experience with adherence to and influencing global cybersecurity regulations. Strong knowledge of network infrastructure, routing, switching, servers, clients, and mobile computing;
- Able to align and connect business strategies with technology solutions that will mitigate risk;
- Proven ability to interface and develop relationships with governmental agencies who can assist with threat assessments and worldwide security issues;
- Ability to communicate complex technical challenges in a non-technical and simplified manner to business audience.

MINIMUM QUALIFICATIONS

- Bachelor's degree in Computer Science, Engineering or related discipline from a regionally accredited college or university required.
- Minimum five (5) to eight (8) years of experience in information security, information technology or related field.
- Certifications such as CCNA, CCIE, CISSP, CISM, GIAC, MCSE, CCSP or equivalent, CEH are preferred.
- Knowledge of networking protocols and communications.
- Advanced technical or business degree, preferred.

ADDITIONAL INFORMATION

The performance of this work is primarily in-person and on-site. Flexible hours required; some travel will be necessary.

Employment will require a criminal background screening. It will also require references answer questions about known Title IX, sexual violence and sexual harassment violations.

Dutchess Community College Is an AA/EOE employer. As part of the State University of New York (SUNV), In Its continuing effort to seek equity in education and employment, and in support of federal and state anti-discrimination legislation, has adopted a policy to provide an educational and employment environment free from unlawful discrimination on the basis of race, color, national origin, religion, creed, age, sex, sexual orientation, disability, gender identity, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.