

AGENDA

- 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 September 19, 2023
- VII. COMMITTEE REPORTS
 - A. Academic & Student Affairs (L. Gharthey, Chair)
 1. Approval of the Professional Service Alliance (PSA) Bylaws (Res #2024-15)
 - B. Board Policy (I. Guzman, Chair)
 1. Approval of the Reaffirmation of the Firearms and Weapons Policy (Res #2024-16)
 2. Approval of the Reaffirmation of the Sustainability Policy (Res # 2024-17)
 3. Approval of the Reaffirmation of the College Sponsored Student Travel Policy (Res # 2024-18)
 4. Approval to Open a Public Hearing: Remote Meetings Under Extraordinary Circumstances Policy (Res # 2024-19)
 5. Approval to Close the Public Hearing: Discuss the Remote Meetings Under Extraordinary Circumstances Policy (Res # 2024-20)
 6. Approval of the Remote Meetings Under Extraordinary Circumstances Policy (Res # 2024-21)
 - C. Finance & Facilities (S. Caswell, Chair)
 1. Approval of Amended Dutchess Educational Health Insurance Consortium Trust Agreement (Res # 2024-22)
 - D. Personnel and Community Relations (A. Flesland)
 1. Approval of the Unpaid Parental Leave for Employee # A00293141 (Res # 2024-23)
 2. Approval of the Retro Payment for Dr. Peter Jordan (Res # 2024-23)
- VIII. Report of the Student Trustee
- IX. Report of the Chairperson
- X. Report of the President

XI. Other Business

XII. Date of Next Meeting – **December 5, 2023**

XIII. Adjournment

DUTCHESS COMMUNITY COLLEGE
Minutes
Board of Trustees Meeting
September 19, 2023

Trustees Present: Mr. Michael Francis Dupree, Chair; Mr. Frank Castella, Mr. Stephen Caswell, Ms. Darrah Cloud, Ms. Angela Flesland, Mr. Ibis Guzman, Ms. Evelyn Panichi, Ms. Linda Pratt, Ms. Maya Chinkan and Dr. Peter Grant Jordan President

Absent: Ms. Lisa Gharthey

I. The meeting was called to order at 6:54 p.m. by Chairperson Dupree.

II. Ms. Panichi led the Pledge of Allegiance.

III. Roll Call by Ms. Ponticello, quorum present.

IV. Approval of Agenda:

Upon motion made by Ms. Flesland, seconded by Mr. Guzman, voted on and duly carried, the agenda was amended to include the Election of Officers.

Mr. Guzman as Chair of the nominating committee, reported on the deliberations of the committee.

The committee solicited nominations for the offices of Chair, Vice-chair, and Secretary. The committee unanimously agreed to offer the following slate of officers:

Chair: Michael Dupree
Vice-Chair: Angela Flesland
Secretary: Darrah Cloud

Mr. Dupree asked if there were any other nominations from the floor. There being none, Mr. Caswell made a motion to approve the slate of officers as presented. The motion was seconded by Mr. Castella, voted on and unanimously approved.

V. Public Comment

There were no requests to address the Board.

VI. Consideration of Minutes of Meeting held on August 22, 2023:

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

VII. COMMITTEE REPORTS

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 September 12, 2023.

B. Board Policy (I. Guzman, Chair)

Mr. Guzman provided the Board with a summary of items discussed at the last Board Policy Committee meeting held on September 13, 2023:

1. Approval of the Reaffirmation of the Granting Stipends for Management Confidential Employees (Res #2024-01)

I. Guzman offered the following resolution and moved its adoption:

WHEREAS, in keeping with good governance practices, the Board of Trustees Policy Committee reviews Board and College administrative policies on a regular basis, and

WHEREAS, based upon this review, the Policy Committee has determined that the policy on Granting Stipends for Management Confidential Employees should be reaffirmed and remain in effect, now, therefore be it

RESOLVED, that, based upon the recommendations of the Policy Committee, the aforementioned policy on Granting Stipends for Management Confidential Employees is hereby reaffirmed and is to remain in effect, and be it

FURTHER RESOLVED, that the Board reconsider this policy again within five years or earlier should it be determined revisions are needed prior to the scheduled review date.

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Seconded by A. Flesland

Motion Carried Unanimously

2. Approval of the Reaffirmation of the Travel Policy (Res # 2024-02)

I. Guzman offered the following resolution and moved its adoption:

WHEREAS, in keeping with good governance practices, the Board of Trustees Policy Committee reviews Board and College administrative policies on a regular basis, and

WHEREAS, based upon this review, the Policy Committee has determined that the Travel Policy should be reaffirmed and remain in effect, now, therefore be it

RESOLVED, that, based upon the recommendations of the Policy Committee, the aforementioned Travel Policy is hereby reaffirmed and is to remain in effect, and be it

FURTHER RESOLVED, that the Board reconsider this policy again within five years or earlier should it be determined revisions are needed prior to the scheduled review date.

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Seconded by L. Pratt

Motion Carried Unanimously

3. Approval of the Reaffirmation of the Use of Facilities by Third Parties for Free Speech Policy (Res # 2024-03)

I. Guzman offered the following resolution and moved its adoption:

WHEREAS, in keeping with good governance practices, the Board of Trustees Policy Committee reviews Board and College administrative policies on a regular basis, and

WHEREAS, based upon this review, the Policy Committee has determined that the policy on the Use of Facilities by Third Parties for Free Speech should be reaffirmed and remain in effect, now, therefore be it

RESOLVED, that, based upon the recommendations of the Policy Committee, the aforementioned policy on the Use of Facilities by Third Parties for Free Speech is hereby reaffirmed and is to remain in effect, and be it

FURTHER RESOLVED, that the Board reconsider this policy again within five years or earlier should it be determined revisions are needed prior to the scheduled review date.

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Seconded by L. Pratt

Motion Carried Unanimously

4. Approval of the Revised policy on the Disposal of Surplus Equipment (Res # 2024-04)

I. Guzman offered the following resolution and moved its adoption:

WHEREAS, in keeping with good governance practices, the Board of Trustees Policy Committee reviews Board and College administrative policies on a regular basis, and

WHEREAS, based upon this review and input from the members of the Board of Trustees, the Policy Committee has determined that the policy on the Disposal of Surplus Equipment needs to be revised to include the procedures for disposal of equipment under the cost of \$1,000.00, now, therefore, be it

RESOLVED, that, based upon the recommendation of the Policy Committee and review by the Board of Trustees, the revised policy on the Disposal of Surplus Equipment, which is attached and shall be made part of the official minutes of this meeting, is hereby approved, and be it

FURTHER RESOLVED, that this policy shall be effective immediately, and, be it

FURTHER RESOLVED, that the Board reconsider this policy again within five years or earlier should it be determined revisions are needed prior to the scheduled review date.

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Seconded by E. Panichi

Motion Carried Unanimously

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 September 11, 2023.

1. Approval of the Capital Project for FF&E and Technology Replacement and Upgrades (Res # 2024-05)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, Dutchess Community College has submitted a new funding request for a capital project for FF&E and Technology Replacements and Upgrades with a total estimated cost of \$400,000 to the SUNY Office for Capital Facilities, and

WHEREAS, upon approval by the SUNY Board of Trustees, the project will be submitted for inclusion in the State Budget as a new capital appropriation in the 2024-2025 budget cycle, and

WHEREAS, the State funds would cover the state share of 50% of this project, and

WHEREAS, the sponsor share of this capital project (\$200,000) would be funded through Capital Chargeback Funds, now, therefore, be it

RESOLVED, that the following capital project is hereby authorized and approved in the amount indicated below:

Project Name	Estimated Total Cost	State's Share (Appropriation)	Sponsor's Share (Capital Chargeback)
FF&E and Technology Replacements and Upgrades	400,000.00	200,000.00	200,000.00

and, be it

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

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Seconded by A. Flesland

Motion Carried Unanimously

2. Approval of the Capital Project for Campus Site Repairs and Upgrades – phase 3 (Res # 2024-06)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, Dutchess Community College has submitted a new funding request for a capital project for Campus Site Repairs and Upgrades – Phase 3 with a total estimated cost of \$2,200,000 to the SUNY Office for Capital Facilities, and

WHEREAS, upon approval by the SUNY Board of Trustees, the project will be submitted for inclusion in the State Budget as a new capital appropriation in the 2024-2025 budget cycle, and

WHEREAS, the State funds would cover the state share of 50% of this project, and

WHEREAS, the sponsor share of this capital project (\$1,100,000) would be bonded in accordance with SUNY funding policy and procedures for capital projects, and

WHEREAS, the project involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, now, therefore, be it

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a “Type II” Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required, and be it further

RESOLVED, that the following capital project is hereby authorized and approved in the amount indicated below:

Project Name	Estimated Total Cost	State's Share (Appropriation)	Sponsor's Share
Campus Site Repairs and Upgrades – Phase 3	2,200,000.00	1,100,000.00	1,100,000.00

and, be it

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

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Seconded by L. Pratt

Motion Carried Unanimously

3. Approval of the Capital Project for CBI Replacement of Rooftop Units (Res# 2024-07)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, Dutchess Community College has submitted a new funding request for a capital project for CBI Replacement of Rooftop Units with a total estimated cost of \$3,309,000 to the SUNY Office for Capital Facilities, and

WHEREAS, upon approval by the SUNY Board of Trustees, the project will be submitted for inclusion in the State Budget as a new capital appropriation in the 2024-2025 budget cycle, and

WHEREAS, the State funds would cover the state share of 50% of this project, and

WHEREAS, the sponsor share of this capital project (\$1,654,500) would be bonded in accordance with SUNY funding policy and procedures for capital projects, and

WHEREAS, the project involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, now, therefore, be it

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a “Type II” Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required, and be it further

RESOLVED, that the following capital project is hereby authorized and approved in the amount indicated below:

Project Name	Estimated Total Cost	State's Share (Appropriation)	Sponsor's Share
CBI Replacement of Rooftop Units	3,309,000.00	1,654,500.00	1,654,500.00

and, be it

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

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Seconded by L. Pratt

Motion Carried Unanimously

4. Approval of the Capital Project for Sports Field Improvements (Res # 2024-08)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, Dutchess Community College has submitted a new funding request for a capital project for Sports Field Improvements with a total estimated cost of \$2,000,000 to the SUNY Office for Capital Facilities, and

WHEREAS, upon approval by the SUNY Board of Trustees, the project will be submitted for inclusion in the State Budget as a new capital appropriation in the 2024-2025 budget cycle, and

WHEREAS, the State funds would cover the state share of 50% of this project, and

WHEREAS, the sponsor share of this capital project (\$1,000,000) would be

bonded in accordance with SUNY funding policy and procedures for capital projects, and

WHEREAS, the project involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, now, therefore, be it

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a “Type II” Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required, and be it further

RESOLVED, that the following capital project is hereby authorized and approved in the amount indicated below:

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

Project Name	Estimated Total Cost	State’s Share (Appropriation)	Sponsor’s Share
Sports Field Improvements	2,000,000.00	1,000,000.00	1,000,000.00

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Seconded by D. Cloud

Motion Carried
Yes = 7 No = 2

5. Approval of the Capital Project for ADA Upgrades (Res # 2024-09)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, Dutchess Community College has submitted a new funding request for a capital project for ADA Upgrades with a total estimated cost of \$1,465,000 to the SUNY Office for Capital Facilities, and

WHEREAS, upon approval by the SUNY Board of Trustees, the project will be submitted for inclusion in the State Budget as a new capital appropriation in the 2024-2025 budget cycle, and

WHEREAS, the State funds would cover the state share of 50% of this project, and

WHEREAS, the sponsor share of this capital project (\$732,500) would be bonded in accordance with SUNY funding policy and procedures for capital projects, and

WHEREAS, the project involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, now, therefore, be it

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a “Type II” Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required, and be it further

RESOLVED, that the following capital project is hereby authorized and approved in the amount indicated below:

Project Name	Estimated Total Cost	State’s Share (Appropriation)	Sponsor’s Share
ADA Upgrades and, be it	1,465,000.00	732,500.00	732,500.00

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

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Seconded by A. Flesland

Motion Carried Unanimously

5. Approval of the Capital Project for Hudson Hall Interior Reconfigurations – Phase 1 (Res # 2024-10)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, Dutchess Community College has submitted a new funding request for a capital project for Hudson Hall Interior Reconfigurations – Phase 1 with a total estimated cost of \$3,666,000 to the SUNY Office for Capital Facilities, and

WHEREAS, upon approval by the SUNY Board of Trustees, the project will be submitted for inclusion in the State Budget as a new capital appropriation in the 2024-2025 budget cycle, and

WHEREAS, the State funds would cover the state share of 50% of this project, and

WHEREAS, the sponsor share of this capital project (\$1,833,000) would be bonded in accordance with SUNY funding policy and procedures for capital projects, and

WHEREAS, the project involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, now, therefore, be it

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a “Type II” Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required, and be it further

RESOLVED, that the following capital project is hereby authorized and approved in the amount indicated below:

Project Name	Estimated Total Cost	State’s Share (Appropriation)	Sponsor’s Share
Hudson Hall Interior Reconfigurations – Phase 1	3,666,000.00	1,833,000.00	1,833,000.00

and, be it

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

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Seconded by D. Cloud

Motion Carried Unanimously

6. Approval of the Capital Project for DCC Fishkill Modifications (Res# 2024-11)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, Dutchess Community College has submitted a new funding request for a capital project for DCC Fishkill Modifications with a total estimated cost of \$973,000 to the SUNY Office for Capital Facilities, and

WHEREAS, upon approval by the SUNY Board of Trustees, the project will be submitted for inclusion in the State Budget as a new capital appropriation in the 2024-2025 budget cycle, and

WHEREAS, the State funds would cover the state share of 50% of this project, and

WHEREAS, the sponsor share of this capital project (\$486,500) would be bonded in accordance with SUNY funding policy and procedures for capital projects, and

WHEREAS, the project involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, now, therefore, be it

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a “Type II” Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required, and be it further

RESOLVED, that the following capital project is hereby authorized and approved in the amount indicated below:

Project Name	Estimated Total Cost	State’s Share (Appropriation)	Sponsor’s Share
DCC Fishkill Modifications	973,000.00	486,500.00	486,500.00

and, be it

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

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Seconded by I. Guzman

Motion Carried Unanimously

7. Approval of RFP for Lean Six Sigma (Res #2024-12)

S. Caswell offered the following resolution and moved its adoption:

WHEREAS, the Department of Workforce Education & Development wishes to offer Lean Six Sigma (LSS) Yellow and Green Belt Training to local employers, and

WHEREAS, a request for proposals was duly advertised and requested for Department of Workforce Education & Development Customized Lean Six Sigma Training on a multi-year basis, and

WHEREAS, requests for proposals were received as a result of this solicitation and were publicly opened at 3:00 p.m., on August 17, 2023, and WHEREAS, The John D. Hromi Center for Quality and Applied Statistics at

the Rochester Institute of Technology proposal was determined to satisfactorily meet all of the requirements of the RFP, and

WHEREAS, the College has used this vendor in the past and has been very satisfied with the services it provides and

WHEREAS, the feedback received from employers has been positive, and

WHEREAS, the cost of training is covered either by grant funds or paid for directly by the corporation, now, therefore, be it

RESOLVED, that the request for proposals received for WED Customized Lean Six Sigma Training, in accordance with the specifications, be awarded to The John D. Hromi Center for Quality and Applied Statistics at the Rochester Institute of Technology, Rochester, New York, for a period of (1) one year, with the option to extended the contract for (3) three additional (1) one-year periods.

Seconded by L. Pratt

Motion carried unanimously

D. Personnel & Community Relations (A. Flesland, Chair)

Ms. Flesland provided the Board with a summary of items discussed at the last Personnel & Community Relations Committee meeting held on September 14, 2023.

1. Approval of Professional Staff Titles (Res # 2023-13)

A. Flesland offered the following resolution and moved its adoption:

WHEREAS, it has been determined that, to meet the needs of the College, the following new titles need to be created:

Title
AVP for Enrollment and Student Success
Computer Information Security Officer (CISO)
Director of Development
Director of Diversity and Compliance (CDO) and Title IX Coordinator
Nursing Program Administrator
Coordinator of Annual Giving & Communications
Professional Tutor (Full Time)
PTECH Liaison
Coordinator of HVAC Programming
AVP for Institutional Advancement
Assistant Director of Admissions
Director of Campus Safety and Project Management*

WHEREAS, Section 35 of the Civil Service Law requires that title

determination of positions in the professional service be made by the Board of Trustees, now, therefore, be it

RESOLVED, that, approval is hereby given to create the aforementioned titles above.

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Seconded by D. Cloud

Motion Carried Unanimously

2. Approval of Management Confidential Salary and Benefit Increases (Res# 2024-14)

A. Flesland offered the following resolution and moved its adoption:

WHEREAS, salaries for management/confidential employees have also been determined for 2023-2024, now, therefore, be it

RESOLVED, that for the 2023-2024 fiscal year, the salaries listed in the attached are approved effective September 1, 2023, and the President is hereby authorized to prepare contracts up to the amounts specified in the attached document which will be made part of the official minutes of this meeting.

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Seconded by I. Guzman

Motion Carried Unanimously

VIII. Report of the Student Trustee

Ms. Chinkan reported on Falcon Fest. It was a great success for the students and college community.

Ms. Chinkan reported on the October 24th Dinner with the Board of Trustees and Student Leaders. Students expressed excitement about the opportunity to work with college leaders.

Ms. Chinkan reported on the new Muslim Club that was approved, positions being filled in SGA and the marketing presentation of the new DCC Logo to SGA.

IX. Report of the Chairperson

Chairman Dupree highlighted college-wide activities for the month of September 2023.

X. Report of the President.

President Jordan thanked the campus community for all they did to open the current Academic Year. We are off to a great start!

President Jordan reported on his trip to Washington DC and his visit with the

White House. He expressed personal pride in being able to represent Dutchess Community College in working session regarding advanced manufacturing and the value in building strong partnerships for community colleges and unions.

XI. Other Business

There was none.

XII. Date of Next Meeting

The next meeting of the Board of Trustees will be held on October 24, 2023 at 6:30 p.m.

XIII. Adjournment

There being no further business to discuss, a motion was made by Ms. Cloud, seconded by Mr. Guzman, voted on, and duly carried, to adjourn the meeting. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Joia Ponticello
Executive Assistant

VI.

A. Academic and Student Affairs1. Approval of the Professional Service Alliance (PSA) Bylaws (Res. # 2024-15)

The President of the College is recommending that the Professional Service Alliance (PSA) made up of members of the CSEA and DCC Association become an official part of the governing body of the College.

B. Board Policy1. Reaffirmation of the Firearms and Weapons Policy (Res.# 2024-16)

Upon a review of the policy related to Firearms and Weapons, the Board Policy Committee is recommending that this policy be reaffirmed.

2. Reaffirmation of the Sustainability Policy (Res. # 2024-17)

Upon a review of the policy related to Sustainability Policy, the Board Policy Committee is recommending that this policy be reaffirmed.

3. Reaffirmation of the College Sponsored Student Travel Policy (Res. # 2024-18)

Upon a review of the policy related to College Sponsored Student Travel, the Board Policy Committee is recommending that this policy be reaffirmed.

4. Approval to Open a Public Hearing and Close a Public Hearing (Res. # 2024-19 and 2024-20)

Chapter 56 of Open Meetings Law adds Section 103-a which allows the Board of Trustees to authorize its members to attend meetings by videoconferencing under extraordinary circumstances, however, section 103-a(2)(a) requires the Board of Trustees to adopt a resolution following the opening and closing of a public hearing.

5. Approval of the Remote Meetings Under Extraordinary Circumstances Policy (Res. # 2024-21)

If the Board chooses to authorize members to attend a Board of Trustees meeting remotely, as per section 103-a of Open Meetings Law it must adopt a resolution and procedures allowing them to hold meetings by videoconferencing.

C. Finance and Facilities

1. Approval of Amended Dutchess Educational Health Insurance Consortium Trust Agreement (Res. #2024-21)

In 1988, the Board of Trustees authorized the College to participate in the Dutchess Education Health Insurance Consortium (DEHIC) for the purpose of providing group health insurance benefits to employees, retirees, and authorized dependents. The Board has continued to renew the agreement every five years since, as well as approved all of the amendments that were made to the original Agreement. The current DEHIC Trust Agreement will expire on December 31, 2023, and the DEHIC Board of Trustees has submitted a revised Agreement for approval by the members of the consortium. In order to continue our participation DEHIC, the College is required to adopt the amended agreement.

D. Personnel and Community Relations

1. Approval of the Unpaid Parental Leave for Employee # A00293141 (Res # 2024-22)

Employee # A00293141, a management confidential employee, has requested an unpaid leave of absence from April 2024 to January 2025 as allowable for management confidential employees under Section 5.12 and 5.14 of the College's 2020-2025 contract with Dutchess United Educators. It is recommended that her request be granted.

RESOLUTION NO. 2024-15

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

WHEREAS, a complete review of the initial Bylaws for the Professional Service Alliance was conducted, and

WHEREAS, based upon this review, revisions to the Bylaws were recommended and adopted, and

WHEREAS, the members of the Board reviewed the updated Bylaws and concurred with the recommendation to officially accept the Professional Service Alliance as part of the governance structure of the College, now, therefore, be it

RESOLVED, that the Professional Service Alliance, the Bylaws of which is attached to this resolution and shall be made a part of the official minutes of this meeting is hereby approved as a governance body of the College, and shall be effective immediately.

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Seconded by _____

Professional Service Alliance By-laws

Approved by 2/3 vote of general membership on October 11, 2023.

A. Establishment and Purpose

The Professional Service Alliance (PSA) was formed at the request of the College President. Civil Service and College Association staff were tasked to form a formal advisory body that enables staff to offer ideas and propose solutions to the College President and Board of Trustees in order to enhance the work environment for employees and the learning environment for students. The PSA will make recommendations to the College President and Board of Trustees on matters affecting college staff as well as establish sub-committees to focus on specific topics.

B. Membership

All permanent full-time and/or part-time Civil Service and DCC Association members whose responsibilities relate to the functions of Dutchess Community College shall be members and will have the privilege of voting and participating in proceedings of the Professional Service Alliance.

The President of the College is a non-voting member of the PSA.

C. Officers and Their Duties

1. Officers of the Professional Staff Alliance shall be a Chairperson, Vice Chairperson, Secretary, as well as six members-at-large, and shall be elected for a determined term limit (defined in Sections D(2)-D(3)). There will also be one non-voting delegate. The Executive

Council Officers of the PSA should be elected by the PSA governance body through general voting near the end of expired term.

2. Elections will take place each year at the March meeting. At least four weeks prior to the election, the Chairperson shall appoint a Nominations Committee which will include at least one Association and one Civil Service employee. The Nominations Committee shall conduct their business as outlined in Section K(4)(a). Election results shall be announced by the April meeting. The candidate for each office receiving a majority of the votes casted shall assume office on June 1st. In the event that no candidate receives a majority of the votes, a run-off election will be held between the two candidates receiving the most votes for that particular office, which will take place no later than two weeks following the April meeting. Voting for members at large shall be conducted in a ranked choice system.
3. The Chairperson shall call and preside over meetings, set the agenda, represent the Professional Staff Alliance when appropriate, and perform other duties necessary to fulfill the mission of the PSA. At least one voting member of the Executive Council shall attend meetings of the Board of Trustees and report back to the Executive Council on deliberations and/or actions by the Board of Trustees meetings.
4. The Vice Chairperson shall assume the responsibilities of the Chairperson whenever they are unable to perform the duties of Chairperson, assume the office of Chairperson if a vacancy should occur, and be available to assist the Chairperson when appropriate.

If the Chairperson resigns or is removed from office, the Vice Chairperson will automatically become the Chairperson through the

end of the elected term. The new Chairperson will appoint a Vice Chairperson from the six members-at-large.

5. The Secretary shall record faithfully the minutes of the meetings of the Professional Service Alliance, including the PSA Executive Council meetings; duplicate and distribute copies of the minutes of the meetings to all Professional Service Alliance members, and keep a permanent record of such minutes. If the Secretary resigns or is removed from office, the Chairperson will appoint a Secretary from the six members-at-large until the term expires.
6. Officers of the Professional Service Alliance shall include six members-at-large. Duties of members-at-large shall include attendance of Board of Trustees meetings as representatives of the Professional Service Alliance, and other duties assigned by the Chairperson.

D. Executive Council

1. Membership of the PSA Executive Council shall be as follows: Chairperson, Vice Chairperson, Secretary, and six members-at-large.
2. The positions of Chairperson, Vice Chairperson, and Secretary will be filled in accordance with the election procedures outlined in Section C (Officers and Their Duties). The term for each position shall be two (2) years and no person shall serve as Chairperson, Vice Chairperson, or Secretary for more than three (3) aggregate terms per position.

3. Election of the six members-at-large will take place in accordance with election procedures outlined in Section C (Officers and Their Duties). The term for each position shall be one (1) year with a limit of three (3) aggregate terms.
4. One PSA member may be elected as a non-voting member and will be designated as a delegate in case an Executive Council member-at-large is unable to fulfill the responsibilities of the term. The delegate becomes interim until a special election at the next meeting.
5. A non-voting delegate may serve for more than one term of one year. If the delegate cannot fulfill the responsibilities, a special election will be held as early as the next meeting but no later than two meetings following the vacancy.
6. The PSA Executive Council shall meet prior to each PSA meeting. The PSA Chairperson, in consultation with the Executive Council, shall set the agenda for the executive meeting and discuss any issues relevant to the PSA (defined in section F).
7. Proposed agenda items and amendments to PSA Bylaws are established as agenda items when they are approved by a plurality vote of a quorum of the Executive Council (defined in Section H). The number of agenda items approved for the next PSA meeting is decided under the discretion of the Executive Council.
8. A member of the PSA Executive Council may only be removed for good cause and upon the unanimous vote by the remaining

voting Executive Council members. Before the Executive Council votes upon the removal of any member, the member shall be notified of the grounds for removal and offered an opportunity to address the Executive Council and respond to the grounds for removal. If an Executive Council member is removed by vote of the Executive Council, they shall be ineligible to hold a position on the Executive Council for a minimum of five (5) years.

9. The Chairperson, Vice Chairperson, and secretary will attend regular meetings with the College President.

E. Meetings

1. Regular meetings of the Professional Service Alliance shall be scheduled once a month. If no business is to be transacted, the Executive Council may cancel the meeting when in agreement. In addition, meetings may be called at the discretion of the Executive Council of the Professional Service Alliance, or at the request of any of the Councils of the Professional Service Alliance (as outlined in Section J) or by petition of thirty (30) or more members of the Professional Service Alliance to the Chairperson of the Professional Service Alliance.
2. The agenda of each PSA meeting will be presented to the President of the College for informational purposes only.
3. The time, date, and location of all meetings shall be announced by e-mail, on the intranet, through other electronic means or memorandum to all members at least five working days in advance.

4. Except when there is a need to hold an executive session, all meetings of the Committees (including sub committees) and Councils of the Professional Service Alliance shall be open for observation by any member of the college community. Meetings of the PSA and its committees, subcommittees, and councils are not for the purpose of conducting public business or performing a governmental function of Dutchess Community College, and thus are not subject to the Open Meetings Law.
5. Meetings of the Professional Service Alliance shall not be interpreted as restricting the power of the College President to call general staff meetings as may be required for the efficient operation of the institution.

F. Order of Meetings:

1. An Executive Council meeting will be conducted at least 7 business days prior to the scheduled PSA meeting. The Secretary shall distribute the agenda and any presentation documents to all PSA members at least 2 business days before the scheduled PSA meeting.
2. Agenda items prepared for PSA meetings can only be submitted by:
 - i. The Chairperson or Vice Chairperson of the PSA;
 - ii. The Chairperson of any standing committee of the PSA;
 - iii. Any item proposed by an officer of the PSA after majority vote of the Executive Council;
 - iv. Petition from 10 PSA members accepted by majority vote of the Executive Council; or
 - v. The College President.

3. Agenda items must be submitted to any officer at least 3 business days before the scheduled Executive Council meeting. The Secretary will compile all proposed agenda items and distribute amongst Executive Council members at least 1 business day prior to the scheduled Executive Council meeting.

4. Agenda Structure:

- i. Meeting Start;
- ii. Approval of Minutes from previous PSA meeting;
- iii. Chairperson's introductions and remarks;
- iv. Reports from the Councils and Standing Committees of the PSA;
- v. Recommendations and Resolutions
 1. Introduction of the Resolution
 2. Comments from members of the PSA
 3. Motion to vote or motion to delay vote;
- vi. Open Forum;
- vii. Announcements;
- viii. Adjournment.

G. Amendments to Bylaws

The structure and operation of the PSA may be amended by a two-thirds vote of those present at a regular PSA meeting. Amendments will be proposed to the members of PSA after a majority vote is casted amongst the Executive Council. Amendments may also be proposed to the Executive Council as a petition of the quorum of PSA membership (defined in Section H). An announcement for voting on a proposed amendment will be made one scheduled PSA meeting prior to the vote.

H. Quorum

For the Executive Council, a minimum of five (5) voting members must be present for the Council to act. For PSA general membership meetings, at least 30% of members of the Professional Service Alliance (as stated in Section B) need to attend for the meeting to occur.

I. Procedures and Recommendations

1. General votes on recommendations will be cast by members in attendance, via show of hands, which will be conducted by PSA Executive Council. (Removed secret ballot option)
2. Proposals may convert to recommendations with 30% percent of present members.
3. Notice of proposals shall be issued 5 business days before scheduled PSA meeting. Recommendations will be voted on the next meeting following the passing of the proposal.
4. 2/3 vote of all members in attendance (virtually and in person) is required to pass all recommendations as stipulated in Section H of the bylaws (Quorum).
5. Recommendations will not be sent to the College President until after 5 business days after majority of vote.
6. Reconsideration petitions signed by 30% of all members and presented to the PSA Chairperson and Vice Chairperson within 5 working days of the general vote will halt the submission of the recommendation until the next general membership meeting or Executive Council meeting, with all voting members of the Council present at the executive council meeting.
7. PSA Executive Council petitions that, after obtaining a recommendation from PSA, the President of the College corresponds

with the PSA Executive Council prior to the next PSA town hall meeting. Furthermore, PSA Executive Council requests that the President responds in writing to their recommendation and provides justification if recommendation is denied or altered.

8. All motions approved by PSA will be indexed by the PSA Secretary
9. Copies of official records of PSA will be stored within the PSA network drive.
10. There will be no audio or video recording for any PSA meetings without written authorization from the Chairperson, Vice Chairperson, and Secretary of PSA Executive Council beforehand.

J. Councils of the Professional Service Alliance

(removed redundancy)

- 1) The Association Council
 - a) Highlight the concerns of the Residence Hall and auxiliary services of the College in accordance with the College's mission. Council members are to provide recommendations for applying the mission of PSA to members of the Association and the community they serve.
 - b) Membership of the Association Council includes all employees of The College Association.

- 2) The Civil Service Council
 - a) Expresses the interests of all Civil Service staff members to improve efforts in servicing students and members of the community while upholding the College's mission, vision and values. Council members are to provide recommendations for applying the purpose of PSA to members of Civil Service and the community they serve.

- b) Membership includes all full-time and part-time college employees in Civil Service positions.
- 3) Officers of Councils and their Responsibilities
 - a) Each council shall have a Chairperson and Vice Chairperson (who will also act as Secretary). These individuals are appointed by the Executive Council.

K. Standing Committees of the Professional Service Alliance

- 1) Employee Development
 - a) Recommend professional development to provide growth opportunities to current employees of the College.
- 2) Student Experience
 - a) Offer recommendations to departments and administration to improve the student experience.
- 3) Campus Community
 - a) Help foster a stronger community amongst students and staff through on-campus events and inter-office communication and interaction.
- 4) Nominations Committee
 - a) Solicit nominees for annual elections of the Executive Council. The election committee shall be responsible for nominating a diverse group of candidates that represent various areas of the college.

 - b) The Nominations Committee will solicit nominations and volunteers in a mailing (inter-office and email) to all members of the PSA and will verify that each nominee accepts the nomination. Nominations will also be accepted from the floor at the time of the election. The Nominations Committee will supervise the preparation, distribution (inter-office mail), and counting of

ballots.

L. Ad-hoc Committees

Ad-hoc committees shall be recognized by the majority vote of a quorum of PSA. Once the vote is passed and accepted into the final report that is presented to PSA, ad-hoc committees will be permitted to proceed.

Additionally, ad-hoc committees will expire one year from formation, unless a different time of expiration is stated by PSA.

M. Sub-Committees

The PSA, its councils and standing committees, shall appoint sub-committees to achieve specific goals in support of the above referenced divisions as needed.

RESOLUTION NO. 2024-16

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

WHEREAS, in keeping with good governance practices, the Board of Trustees Policy Committee reviews Board and College administrative policies on a regular basis, and

WHEREAS, based upon this review, the Policy Committee has determined that the policy on Firearms and Weapons should be reaffirmed and remain in effect, now, therefore be it

RESOLVED, that, based upon the recommendations of the Policy Committee, the aforementioned policy on Weapons and Firearms is hereby reaffirmed and is to remain in effect, and be it

FURTHER RESOLVED, that the Board reconsider this policy again within five years or earlier should it be determined revisions are needed prior to the scheduled review date.

* * * * *

Seconded by _____

Firearms and Weapons Policy

The possession, use, sale, or storage of firearms and/or weapons on any property owned, rented, or leased by Dutchess Community College or at any college-sponsored activity is prohibited. Only police officers, law-enforcement officials, and College peace officers who are acting in accordance with the requirements of their position are exempt from this policy.

Weapons are identified as:

- anything defined as a weapon as set forth in New York State Penal Law, Section 265.00;
- any instrument, device, or object designed or specifically adapted for the purpose of inflicting physical harm or death;
- any instrument, device or object possessed, carried, or can reasonably be used for the purpose of causing injury, incapacitation, or inflicting or threatening physical harm or death;
- any replica or “fake” copy of a weapon which can, to a reasonable person, seem real;
- any instrument, device or object possessed with the intent to potentially use against someone.

Attachment to Board of Trustees Resolution #2021-56, dated June 22, 2021

RESOLUTION NO. 2024-17

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

WHEREAS, in keeping with good governance practices, the Board of Trustees Policy Committee reviews Board and College administrative policies on a regular basis, and

WHEREAS, based upon this review, the Policy Committee has determined that the policy on Sustainability should be reaffirmed and remain in effect, now, therefore be it

RESOLVED, that, based upon the recommendations of the Policy Committee, the aforementioned policy on Sustainability is hereby reaffirmed and is to remain in effect, and be it

FURTHER RESOLVED, that the Board reconsider this policy again within five years or earlier should it be determined revisions are needed prior to the scheduled review date.

* * * * *

Seconded by _____

Sustainability Policy

Dutchess Community College is committed to energy efficiency, energy conservation, and the reduction of our impact on the environment and encourages the active involvement of all campus constituencies in the College's sustainability efforts.

The College will, to the best extent practicable and in accordance with all local, state and federal statutes, decrease its environmental impact by fostering sound sustainable practices in all areas of college operations (including, but not limited to, such areas as energy and material conservation, waste minimization, recycling, water treatment and conservation, purchasing, grounds practices, food, and transportation).

Approved by the Board of Trustees, Resolution #2018-42, dated January 23, 2018

RESOLUTION NO. 2024-18

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

WHEREAS, in keeping with good governance practices, the Board of Trustees Policy Committee reviews Board and College administrative policies on a regular basis, and

WHEREAS, based upon this review, the Policy Committee has determined that the policy on College Sponsored Student Travel should be reaffirmed and remain in effect, now, therefore be it

RESOLVED, that, based upon the recommendations of the Policy Committee, the aforementioned policy on College Sponsored Student Travel is hereby reaffirmed and is to remain in effect, and be it

FURTHER RESOLVED, that the Board reconsider this policy again within five years or earlier should it be determined revisions are needed prior to the scheduled review date.

* * * * *

Seconded by _____

Policy on College-sponsored Student Travel

The College provides opportunities for student participation in off-campus applied learning experiences, including study abroad opportunities, and in extra-curricular activities for student government, clubs, organizations, intramural sports, intercollegiate sports, and attendance at cultural events within the limitations of the resources available. College-sponsored travel for such activities shall not take place without prior written consent of the President of the College or his/her designee. Approval will be granted by the President or his/her designee provided the learning experience is consistent with the academic mission of the College and meets all criteria established by the College. Administration shall set appropriate guidelines to ensure adherence to all College policies.

RESOLUTION NO. 2024-19

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

BE IT RESOLVED that, as recommended by the President of the College, the Board of Trustees opens a public hearing to review resolution # 2024-21 on Remote Meetings Under Extraordinary Circumstances.

* * * * *

Seconded by _____

RESOLUTION NO. 2024-20

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

BE IT RESOLVED the Board of Trustees closes the public hearing on resolution # 2024-21 on Remote Meetings Under Extraordinary Circumstances.

* * * * *

Seconded by _____

_____ offers the following resolution and moves its adoption:

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”) and Chapter 58 of the Laws of 2023 (“Chapter 58”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Board of Trustees to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Board of Trustees to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend,” and Chapter 58 amended Section 103-a(2)(c) to provide that a public body may determine to “allow for any member who has a disability as defined in section two hundred ninety-two of the executive law, where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, to be considered present for purposes of fulfilling the quorum requirements for such public body at any meetings conducted through videoconferencing pursuant to this section, provided, however, that the remaining criteria set forth in this subdivision are otherwise met; and provided, further, that the public body maintains at least one physical location where the public can attend such meeting;” and

WHEREAS, Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must, excerpt during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a

member attends by videoconference be recorded, posted to the Board of Trustees webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

BE IT RESOLVED, that the Board of Trustees authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public, provided that a member with a disability may be considered present for purposes of fulfilling quorum requirements, pursuant to Section 103-a(2)(c); (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022 and Chapter 58 of the Laws of 2023; and be it further

RESOLVED, that the Board of Trustees shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022 and Chapter 58 of the Laws of 2023.

* * * * *

Seconded by _____

Remote Meetings Under Extraordinary Circumstances Pursuant to Public Officers Law §

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Board of Trustees following a public hearing, authorized by resolution on October 24, 2023 the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. **Board of Trustees** members shall be physically present at any meeting of the **Board** unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the **Executive Assistant to the Board of Trustees** no later than four business days prior to the scheduled meeting in order for proper notice to the public be given. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the **Executive Assistant to the Board of Trustees** shall update its **public** notice as soon as practicable to include that information. If it is not practicable for the **Executive Assistant to the Board of Trustees** to update its notice, the **Board of Trustees** may reschedule its meeting.
4. If there is a quorum of members participating at a physical location(s) open to the public, the **Board of Trustees** may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the **Board of Trustees** but may participate and vote if there is a quorum of members at a physical location(s) open to the public. **Notwithstanding this in-person quorum requirement, any member who has a disability as defined in section two hundred ninety-two of the executive law, where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, shall be considered present for purposes of fulfilling the quorum requirements at any meeting conducted**

through videoconferencing pursuant to Section 103-a(2)(c), provided, however, that the remaining criteria set forth in POL § 103-a are otherwise met; and provided, further, that there is at least one physical location where the public can attend such meeting.

5. Except in the case of executive sessions conducted pursuant to POL § 105, the **Board of Trustees** shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
8. The **Board of Trustees** shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the **Dutchess Community College** website within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the **Board of Trustees** are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Board of Trustees shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The **Board of Trustees** shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the **Board of Trustees** conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall

utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.

11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to § 24 of the Executive Law if the **Board of Trustees** determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board of Trustees to hold an in- person meeting.
12. These procedures shall be conspicuously posted on the Dutchess Community College website.

RESOLUTION NO. 2024-22

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

WHEREAS, Board of Trustees' Resolution #15, dated October 17, 1988, authorized the College to participate in the Dutchess Educational Health Insurance Consortium (DEHIC), and

WHEREAS, the Board of Trustees has approved subsequent Trust Agreements that permit the College to remain a member of the Consortium, and

WHEREAS, the Board of Trustees of DEHIC has approved a revised Trust Agreement to clarify certain provisions in the original Trust Agreement and ensure the continued effective operation of DEHIC, and

WHEREAS, participants are required to approve the amended Trust Agreement, now, therefore, be it

RESOLVED, that Dutchess Community College hereby agrees to the amendment of the DEHIC Trust Agreement, as proposed by DEHIC's Board of Trustees, to be effective January 1, 2024, and be it

FURTHER RESOLVED, that Dr. Peter Jordan, President, is hereby authorized to execute the attached Amended Trust, which shall be made part of the minutes of this meeting, and be it

FURTHER RESOLVED, that a certified copy of this resolution shall be sent, along with the executed Trust Agreement, to DEHIC.

* * * * *

Seconded by _____

**DUTCHESS EDUCATIONAL HEALTH INSURANCE CONSORTIUM
TRUST AGREEMENT**

THIS AMENDED TRUST AGREEMENT made and entered into as of the 1st day of January, 2024, by and between Arlington Central SD, Dover Union Free SD, Dutchess Community College, Ellenville Central SD, Fallsburg Central SD, Hyde Park Central SD, Liberty Central SD, Livingston Manor CSD, Millbrook Central SD, Onteora Central SD, Pawling Central SD, Pine Plains Central SD, Poughkeepsie City SD, Red Hook Central SD, Rhinebeck Central SD, Roscoe Central SD, Saugerties Central SD, Spackenkill Union Free SD, Sullivan County BOCES, Sullivan West Central SD, Ulster County BOCES, Wallkill Central SD, Wappingers Central SD, Webutuck Central SD and Dutchess County BOCES, (hereinafter collectively referred to as the "Participants").

WITNESSETH:

WHEREAS, the Participants desire to amend, effective January 1, 2024, the Trust Agreement dated July 1, 2003, as amended as of July 1, 2009, January 1, 2014, and January 1, 2019 in order to enable the Participants to continue to purchase group health insurance pursuant to New York State Insurance Law Section 4235 and as a tax exempt trust authorized pursuant to Internal Revenue Code Section 501(c)(9); and

WHEREAS, the Participants are all engaged in the same industry, and desire to provide group health insurance benefits for their employees, retired employees and authorized dependents in accordance with state law.

THEREFORE, the Trustees and the Participants, in consideration of the mutual covenants and undertakings contained herein, agree as follows:

ARTICLE I -- DEFINITIONS

1.1 **Participant**

The term "Participant" shall mean a school district, BOCES or other public education agency which has been admitted to membership by the Board of Trustees established hereunder. Continued membership of Participants shall be regulated according to this Trust Agreement and any policies or By-Laws adopted or amended by the Board of Trustees. The Original Participants are Arlington Central School District; Dover Union Free School District; Dutchess County BOCES; Hyde Park Central School District; Millbrook Central School District; Red Hook Central School District; Rhinebeck Central School District; Wappingers Central School District and Webutuck Central School District.

1.2 **Trustee and Alternate Trustees**

The term "Trustee" and "Alternate Trustee" shall mean persons who are selected as such in accordance with Article III and who have agreed to serve in such capacity.

1.3 Board of Trustees.

The Board of Trustees shall consist of the Trustees designated pursuant to Article III.

1.4 Eligible Employees and Retirees

Eligible Employees are active employees of a Participant who are eligible for coverage under the underwriting guidelines established or amended by the insurer selected by the Trust or by the Board of Trustees in accordance with law. Retirees are retired persons who were Eligible Employees who are eligible for coverage under the underwriting guidelines established by the insurer selected by the Trust or by the Board in accordance with law. The Board of Trustees in its discretion may arrange to continue coverage for persons in accordance with such guidelines including but not limited to Retirees and their dependents in the event a Participant is dissolved or ceases operations.

1.5 Subscribers

Subscribers are Eligible Employees or Retirees and their dependents eligible for coverage in accordance with health insurance policies obtained by the Trust.

1.6 Health Plan

The Health Plan shall generally describe the program under which health insurance is made available to Subscribers through this Trust.

ARTICLE II – GENERAL PROVISIONS

2.1 Name of Trust

This Trust shall be designated as the Dutchess Educational Health Insurance Consortium (DEHIC) Insurance Trust.

2.2 Place of Business

The principal place of business of the Trust shall be in the County of Dutchess and State of New York, or at such place as the Board of Trustees shall determine.

2.3 Duration of Agreement

This Agreement shall be for a term of five (5) years, after which time it shall be renewed each year unless terminated by vote of the Trustees.

2.4 Fiscal Year

The fiscal year of the Trust Agreement shall be July 1 through June 30.

ARTICLE III – APPOINTMENT OF TRUSTEES

3.1 Qualifications

Persons who are over the age of eighteen (18) and active employees of a Participant may serve as Trustees or Alternate Trustees. A person who was qualified as a Trustee or Alternate Trustee at the time of their designation who ceases to be an active employee of a Participant may continue to serve for not more than two (2) meetings subsequent to such change in employment status.

3.2 Number of Trustee Seats

The total number of Trustees shall be an odd number not less than twenty-one (21) nor more than twenty-seven (27), as the Board of Trustees shall from time to time determine in the Bylaws.

3.3 Trustee Appointment and Resignation

(a) Trustees and Alternate Trustees shall be designated in writing as provided in this Article 3. Appointments shall be effective upon receipt of such written notification of appointment by the Chairperson of the Trust.

(b) Trustees and Alternates shall serve at the pleasure of the Participant, group of Participants or Collective Bargaining Organization that designates such Trustees and Alternates in accordance with this Article 3, provided that any removal of any Trustee or Alternate Trustee shall not be effective until notice of such action is received by the Chairperson of the Trust.

(c) Original Participant Trustees. Each Original Participant while a Participant shall designate one (1) Trustee.

(d) Collective Bargaining Organization Trustees. NYSUT Collective Bargaining Units and CSEA (hereinafter “Collective Bargaining Organizations” or “CBO”) shall designate Trustees such that as nearly as possible one-third (1/3) of the total number of Trustees shall be appointed by the CBOs representing Eligible Employees. The CBO Trustees shall be appointed proportionately in accordance with the number of active Eligible Employees represented and in the event the CBOs fail to agree on such proportion, then the Board of Trustees shall allocate the right to make such Trustee designations among such CBOs in accordance with the Trust’s enrollment information for active Eligible Employees, and the respective CBOs shall designate Trustees and alternate Trustees in accordance with said allocation. Such allocation shall be effective until the end of the Trust’s next fiscal year.

(e) At-Large Trustees. A number of Trustees who shall be referred to as “At-Large Trustees,” shall be appointed in addition to those appointed by Original Participants

and CBOs such that the total number of Trustees appointed by Original Participants plus the At-Large Trustees comprises as nearly as possible two-thirds (2/3) of the total number of Trustees. The At-Large Trustees shall be apportioned among the Board of Cooperative Education (BOCES) Districts in the Counties of Dutchess, Sullivan and Ulster. The apportionment shall be based on the number of Participants from the respective BOCES Districts. Each At-Large Trustee for a BOCES District shall be designated by the majority of the Superintendents (or other designated representatives) of the Participants from such BOCES District, and the Superintendent or other designated representative for each Participant shall have one (1) vote for each such designation. In the event of a tie, the Board of Trustees shall designate the At-Large Trustee from among the tied candidates. In the event that Participants from two or more BOCES Districts dispute the allocation of At-Large Trustees among BOCES Districts, the Board of Trustees shall allocate disputed Trustee seat(s) among such BOCES Districts in accordance with the Trust's enrollment information. Such allocation shall be effective until the end of the Trust's fiscal year.

(f) Alternate Trustees. An Alternate Trustee shall be designated for each Trustee designated. Alternate Trustees may attend and vote at Trust meetings in the absence of the Trustee for whom that person is an alternate.

(g) Resignation. Any Trustee or Alternate Trustee may resign at any time, by delivery of written notice to the Chairperson.

ARTICLE IV – TRUSTEE POWERS

4.1 The Board of Trustees shall be responsible for governance and implementation of the Health Plan, and shall have power to take all actions reasonably necessary to do so, including, but not limited to those set forth in this Agreement and the following:

(a) To designate and engage accountants, consultants and legal counsel to assist and advise the Board of Trustees in the management of the Health Plan.

(b) To prepare guidelines, policies and By-Laws for the orderly operation of the Health Plan.

(c) To establish the standards under which school districts or other public educational agencies shall be permitted to participate in the Health Plan.

(d) To establish programs to promote for Subscribers the use of diagnostic testing in accordance with current medical standards, and wellness activities intended to reduce health care expenditures.

4.2 Each Trustee, or Alternate Trustee attending a meeting in the place of a Trustee, shall have one (1) vote. A majority of the qualified Trustees shall constitute a quorum. A vote of a majority of the qualified Trustees is required to take action at a meeting. Alternate Trustees attending in the place of an absent Trustee shall be counted in determining a quorum.

- 4.3 The Board of Trustees shall meet at least four (4) times per year and at such other times as the Trustees deem necessary. The Board of Trustees shall make, adopt, amend, and repeal such By-Laws, guidelines and policies, not inconsistent with the terms of this Agreement which the Board of Trustees may deem necessary and desirable for the conduct of their business.

ARTICLE V – COMPENSATION, BOND AND INDEMNIFICATION OF TRUSTEES

5.1 Compensation of Trustees

Trustees and Alternate Trustees shall serve without compensation, provided that Trustees and Alternate Trustees shall be entitled to reimbursement for any reasonable expenses incurred in the administration of this Trust in accordance with policies established by the Board of Trustees.

5.2 Bond

No bond shall be required of any Trustee hereunder except as determined by the Board of Trustees, provided that in the event a bond is required by the Board of Trustees, the expense of such bond shall be paid by the Trust.

5.3 Indemnification of Trustees

To the extent permitted by law, the Trust shall out of Trust funds defend, indemnify and hold harmless the Chairperson, other officers, Trustees and Alternate Trustees for any and all claims and expenses, including legal expenses, resulting from any actions or inaction taken in good faith on or in the course of Trust business.

The Trust may purchase an insurance policy or policies in amounts and under such terms as the Board shall determine to indemnify Trustees and Alternate Trustees while acting in the scope of their responsibility on Trust Business.

ARTICLE VI- OFFICERS

- 6.1 The Officers of the Trust shall be a Chairperson, a Vice-Chairperson and a Secretary. The Board of Trustees shall elect the officers from among its members except that the Secretary need not be a Trustee. The term of office of the officers will be from July 1st of each year next following the election until the following June 30th and until their successor is appointed. Vacancies in office shall be filled by the Board of Trustees.
- 6.2 The Chairperson shall serve as chief executive of the Trust and shall preside over all meetings of the Board of Trustees, shall set the agenda for all meetings, and shall serve as an ex officio member of all Board Committees.

- 6.3 The Vice-Chairperson shall serve as Chairperson in the absence or unavailability of the Chairperson.
- 6.4 The Secretary shall keep the official minutes of all Board meetings, and shall cause to be transmitted notices of all meetings.

ARTICLE VII – GROUP HEALTH INSURANCE COVERAGE

7.1 Purchase of Group Health Insurance

The Board of Trustees shall contract, on behalf of the Participants, for such policy or policies of group health insurance as the Trustees deem most beneficial for Participants. The Trustees shall determine the annual cost of such group health insurance for each Participant, and shall notify each Participant, in writing, as to the cost of and premiums for such group health insurance for each such Participant.

7.2 Allocation of Premiums Among Participants

The Board of Trustees shall allocate the cost of any such group health insurance, including premiums or premium equivalent rates, among the Participants in an equitable manner determined by the Trustees. The Board of Trustees may consider Medicare participation, experience of new Participants and other appropriate factors in allocating premium fairly among Participants.

7.3 New Participant Surcharge

A surcharge in an amount determined by the Board of Trustees may be imposed upon new Participants.

7.4 Admission of New Participants

Upon the approval of a two-thirds majority of the Board of Trustees qualified new Participants that agree to be bound by this Trust Agreement, may be admitted as Participants under this Agreement, under such additional terms and conditions as the Board shall determine. Any such new Participant shall pay such amount as the Board of Trustees shall determine for the group health insurance premiums for the balance of the fiscal year of the Trust, and such portion of the expenses of the Trust, if any, as the Trustees shall deem appropriate.

7.5 Participant Responsibilities

Each Participant shall submit all necessary information in order to obtain and continue any such group health insurance policies. Participants shall advise the Trust in the manner determined by the Trustees of any changes in the number of employees, or of any other changes in information required by such group health insurance policies. Each respective Participant is solely responsible to ensure that the appropriate Subscribers are covered by group health insurance policies as required by the Insurance Law, any collective bargaining agreement, or any other obligation of such Participant. Participants are solely responsible for employer and plan administrator responsibilities of federal and state law pertaining to the rights of qualified beneficiaries to continuation of health care benefits.

7.6 Allocation of Expenses of Trust

The Board of Trustees shall in an equitable manner and upon such terms and conditions as the Board shall approve, charge each Participant hereunder an additional charge, if any, for the expenses of the operation of the Trust.

7.7 Investments

Funds held by the Trust shall be invested in the same manner applicable to investments of funds held by school districts, in accordance with an investment plan approved by the Trustees and Sections 10 and 11 of the New York General Municipal Law. The Trustees shall use the interest income, if any, solely for the benefit of the Trust. Excess income may be refunded to the Participants or, in the discretion of the Trustees, held to offset future expenses.

7.8 Payment of Premiums to Trustees

Each Participant shall forward to the Trust in a manner as determined by the Trustees the applicable amount of the premium and other charges for the group health insurance policy or policies and the maintenance of the Health Plan, as determined by the Trustees. The Trustees may direct that such payments be paid in such manner as the Trustees shall from time to time determine.

In the event the Participant delays or fails to pay its portion of the premium or other charges (a "Non-Compliant Participant"), the Board of Trustees may impose a surcharge or late fee on said Non-Compliant Participant, or request the insurance carrier to suspend or cancel coverage of the employees of said Non-Compliant Participant. A Non-Compliant Participant shall have sole responsibility for the consequences of failure to remit funds to the insurer, including but not limited to any loss or interpretation in coverage. The Non-Compliant Participant shall be liable to the Trust, and directly to the insurer for any unpaid premiums or late payment charges imposed by the insurer, and shall indemnify and hold the Trust and all other Participants harmless from any costs or claims including but not limited to reasonable attorneys' fees relating to such failure of the Non-Compliant Participant.

7.9 Payment of Insurance Premiums by Trustees

The Trustees shall remit funds due to the group health insurance carrier or carriers. The Trustees shall be responsible for the payment of such group health insurance premium or premiums only up to the amount actually received for such premiums from the Participants.

The Trustees shall deposit payments from Participants for insurance premiums into an account established and maintained by the Trustees and collateralized in the maximum amount obtainable, and shall forward such funds drawn on such account to the group health insurance carrier or carriers.

7.10 Accounting to Participants

The Trustees shall direct an annual accounting for the Participants with respect to the group health insurance policies purchased by the Trustees under this Agreement. Such annual accounting shall include the annual cost of such group health insurance policies, the amount of premiums collected by the Trustees from the Participants, the amount of interest income earned or other income earned by the Trustees, and the amount of expenses incurred by the Trustees with respect to the Trust.

7.11 Withdrawal of Participant

A Participant may withdraw as a Participant hereunder or withdraw discrete bargaining units or other recognized groups of employees by giving unconditional written notice of such withdrawal to the Chairperson of the Trust. The Trustees may in the Bylaws establish additional procedures for such notice. Such withdrawal shall become effective on the next succeeding carrier contract renewal date that is at least one hundred eighty (180) days after the notice. The Board of Trustees may in its sole discretion permit withdrawal on such other notice or terms as it may determine. The withdrawal of any Participant shall not relieve the Participant of any responsibility for payment of such Participant's portion of the group health insurance premium or other expenses under this Agreement as the Trustees shall determine. Upon withdrawal, the withdrawing Participant shall also be directly liable to the insurers for any unpaid premiums and for any coverage provided to such Participant or its employees.

ARTICLE VIII – TRUST BANK ACCOUNTS

8.1 The Trustees shall maintain one or more bank accounts in the name of the Trust in a federally insured bank located within the State of New York. All checks or withdrawals from such accounts shall be made upon two signatures, under procedures established in the By-Laws.

ARTICLE IX – TRUST PROPERTY

- 9.1 Title to any property held by the Trustees pursuant to this Agreement shall be in the name of the Trust, and shall not be deemed to be the separate property of any individual Participant.

ARTICLE X – EXECUTIVE COMMITTEE

- 10.1 The Executive Committee shall conduct necessary business of DEHIC between meetings of the Board of Trustees; serve as Finance Committee; present recommendations to the Board of Trustees; and conduct such activities as the Board of Trustees may from time to time request. The Executive Committee shall have the full authority of the Board of Trustees except with respect to matters set forth in Article 3.3, 7.1, 7.2, 7.3, 7.4, 7.6, 13.1 and except that the Executive Committee shall not have power to amend the By-Laws. Members of the Executive Committee shall be appointed from among the Trustees by the Board of Trustees with the advice and consent of the Chair. The Executive Committee shall consist of not less than five (5) nor more than thirteen (13) Trustees, including the Chair and Vice Chair who shall be *ex-officio* voting members. Meetings of the Executive Committee shall be called by the Chair or Vice Chair.

ARTICLE XI – LEGAL PROCEEDINGS BY TRUST

- 11.1 The Trustees are authorized to commence in the name of the Trust or its Participants any and all legal proceedings which the Board of Trustees deems appropriate. In the event any such legal proceedings are brought against a Participant or former Participant, in order to enforce payment obligations hereunder, and in the event such proceeding is successful, such Participant or former Participant shall pay the Trust's reasonable costs and expenses, including but not limited to reasonable attorneys' fees.
- 11.2 Any and all controversies or claims among the Participants or between any one or more Participants and the Trust, or arising out of or relating to the parties' rights and responsibilities under this Agreement shall be resolved in the Supreme Court, State of New York, County of Dutchess.

ARTICLE XII – AGREEMENT SUBJECT TO INSURANCE LAW

- 12.1 Notwithstanding any other provision of this Agreement to the contrary, all provisions of this Agreement shall be subject to the terms and conditions of the New York State Insurance Law. In the event of any conflict between the terms and conditions of this Agreement and the New York State Insurance Law, the terms of the New York State Insurance Law shall control. Moreover, any such conflict shall not invalidate the remaining provisions of this Agreement.

ARTICLE XIII – AMENDMENT OF THIS AGREEMENT

- 13.1 This Agreement may be amended upon the written consent of at least two-thirds of the Participants, and a majority vote of the Board of Trustees. The Board shall ensure that each Participant receives written notice of such amendments.
- 13.2 Amendment of Agreement to Provide an Article 47 Municipal Cooperative Health Benefit Plan. The Board may submit an application for a certificate of authority from the Superintendent of the Department of Financial Services to operate the Health Plan as a municipal cooperative health benefit plan in accordance with the provisions of Article 47 of the New York Insurance Law (a “Municipal Cooperative Health Benefit Plan”). This Agreement may be amended to provide for such Municipal Cooperative Health Benefit Plan upon:
- (a) the consent of two-thirds of the Participants;
 - (b) the affirmative vote of not less than two-thirds of Trustees then in office at the time of vote, plus one Trustee;
 - (c) each Participant in the Municipal Cooperative Health Benefit Plan executing an amended municipal cooperative agreement; and
 - (d) approval of such amended municipal cooperative agreement by the Superintendent of the Department. No such Municipal Cooperative Health Benefit Plan shall be effective unless all Participants have been provided at least one hundred eighty days advance notice of its implementation.

ARTICLE XIV – AGREEMENT BINDING

- 14.1 The signatories to this Agreement represent that it has been duly authorized by the governing body of such signatory. This Agreement shall be binding upon the parties hereto, and upon their successors or assigns, and all parties hereto agree for themselves and their successors and assigns, to execute any and all instruments which are or may become necessary or proper to carry out the purpose and intent of this Agreement.

ARTICLE XV – WORDS OF GENDER

- 15.1 Except where the context clearly indicates to the contrary, for all purposes under this Agreement, singular numbers shall include the plural, the plural numbers shall include the singular, and the use of any gender shall be applicable to all genders.

ARTICLE XVI – APPLICABLE LAW

- 16.1 The Agreement and the Trust created herein shall be subject to and governed by the Laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and date first written.

For Arlington CSD _____
Superintendent of Schools Date

For Dover Union Free CSD _____
Superintendent of Schools Date

For Dutchess County BOCES _____
President Date

For Dutchess Community College _____
Superintendent of Schools Date

For Ellenville CSD _____
Superintendent of Schools Date

For Fallsburg CSD _____
Superintendent of Schools Date

For Hyde Park CSD _____
Superintendent of Schools Date

For Liberty CSD _____
Superintendent of Schools Date

For Livingston Manor CSD _____
Superintendent of Schools Date

For Millbrook CSD _____
Superintendent of Schools Date

For Onteora CSD _____
Superintendent of Schools Date

For Pawling CSD _____
Superintendent of Schools Date

For Pine Plains CSD _____
Superintendent of Schools Date

For Poughkeepsie CSD	_____
	Superintendent of Schools Date
For Red Hook CSD	_____
	Superintendent of Schools Date
For Rhinebeck CSD	_____
	Superintendent of Schools Date
For Roscoe CSD	_____
	Superintendent of Schools Date
For Saugerties CSD	_____
	Superintendent of Schools Date
For Spackenkill Union Free CSD	_____
	Superintendent of Schools Date
For Sullivan County BOCES	_____
	Superintendent of Schools Date
For Sullivan West CSD	_____
	Superintendent of Schools Date
For Ulster County BOCES	_____
	Superintendent of Schools Date
For Wallkill CSD	_____
	Superintendent of Schools Date
For Wappingers CSD	_____
	Superintendent of Schools Date
For Webutuck CSD	_____
	Superintendent of Schools Date

RESOLUTION NO. 2024-23

Board of Trustees, Dutchess Community College
October 24, 2023

_____ offers the following resolution and moves its adoption:

WHEREAS, Employee # A00293141, has requested a leave of absence in compliance with Section 5.12 and 5.14 of the 2020-2025 collective bargaining agreement with Dutchess United Educators, and

WHEREAS, Employee # A00293141 will use 40 days of Paid Parental Leave, 30 days of Benefit time (vacation and personal time) and the remaining leave will use unpaid parental leave totaling 365 days of leave time, and be it

RESOLVED, that, based upon the recommendation of the President of the College, the Board of Trustees hereby grants Employee # A00293141 a one-year, non-renewable leave of absence.

* * * * *

Seconded by _____

RESOLUTION NO. 2024-24

Board of Trustees, Dutchess Community College
September 19, 2023

_____ offers the following resolution and moves its adoption:

WHEREAS, salaries for management/confidential employees have been determined for 2023-2024, and

WHEREAS, the President of Dutchess Community College falls under the category of management/confidential employee, and

WHEREAS, the President of Dutchess Community College has not had a salary increase for the 2022-2023 fiscal year now, therefore, be it

RESOLVED, that for the 2022-2023 fiscal year, the President's salary shall be retroactively increased by the same rate as management/confidential employees effective September 1, 2022.

* * * * *

Seconded by _____