



OFFICE OF THE CHANCELLOR

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VERMONT STATE COLLEGES

CASTLETON STATE COLLEGE

COMMUNITY COLLEGE OF VERMONT

JOHNSON STATE COLLEGE

LYNDON STATE COLLEGE

VERMONT TECHNICAL COLLEGE

February 6, 2015

TO: Education, Personnel and Student Life Committee
Kraig Hannum, Chair
Jim Masland, Vice-Chair
Lynn Dickinson
Michelle Fairbrother
Karen Luneau
Gary Moore
Alyssa Slaimen
Martha O'Connor, *ex officio*

FROM: Yasmine Ziesler, Chief Academic & Academic Technology Officer

RE: EPSL Meeting on February 11, 2015

The EPSL Committee of the VSC Board of Trustees will meet on Wednesday, February 11th from 5-7 p.m. in conference room 101 of the Office of the Chancellor, 575 Stone Cutters Way, Montpelier. The full EPSL agenda and materials are attached.

I can be reached at (802) 224-3025 if you have any questions.

Thank you.

cc: VSC Board of Trustees
Council of Presidents
Academic Deans
Student Affairs Council

**VERMONT STATE COLLEGES
BOARD OF TRUSTEES
EDUCATION, PERSONNEL AND STUDENT LIFE
COMMITTEE MEETING**

**February 11, 2015 at 5:00 p.m.
Office of the Chancellor, Montpelier, VT**

AGENDA

A. ITEMS FOR INFORMATION AND DISCUSSION

1. Distance Learning at the VSC Update
2. Vermont Tech Program Update

B. ITEMS FOR DISCUSSION AND ACTION

1. Minutes of the December 3, 2014 EPSL Committee Meeting
2. Vermont Tech: Policy 102 Preliminary Program Proposal for Bachelor of Science, Manufacturing Engineering Technology
3. Revision to Policy 301
4. Revision to Policy 311
5. Commendation of the JSC Presidential Search Committee
6. Nomination for an Honorary Degree

A. ITEMS FOR INFORMATION AND DISCUSSION

1. Distance Learning at the VSC Update

Eric Sakai, CCV's Dean of Academic Technology, will present the Committee with an overview of distance learning programs at the VSC. Please refer to the attached report on student use of IT services and devices for background information.

Educause Center for Analysis and Research 2014 Study of Students and IT Overview of Responses

The Educause Center for Analysis and Research (ECAR) has conducted an annual Study of Students and IT for the past ten years. The March 2014 study collected survey responses from over 75,000 undergraduate students at 213 institutions in 45 states and 15 countries. A total of 1,694 undergraduates from all 5 VSCs (13.8% of the fall 2013 headcount) were among over 65,000 students participating from U.S. institutions. The VSC last participated in the ECAR study in 2006.

A full report on the national study results, along with the survey instrument and results of a parallel 2014 Study of Faculty and Information Technology, is available here: <http://www.educause.edu/library/resources/2014-student-and-faculty-technology-research-studies>. (The VSC Teaching and Learning Technologies Group conducted its own survey of faculty and staff IT use in fall 2013.) Following is a brief sampling of key VSC survey results and possible implications for teaching and learning at the five colleges.

Response rates

Response rates at each of the five colleges exceeded 10% of fall 2013 headcounts (note: VSC total headcount is unduplicated).

College	Responses	Headcount	Percentage
CCV	921	6,194	14.9
CSC	225	2,067	10.9
JSC	153	1,486	10.3
LSC	210	1,415	14.8
VTC	185	1,543	12.0
Total	1,694	12,239	13.8

Mobile computing

- 90.7% of VSC students own laptop computers (92.9% nationally). 65.4% consider them “extremely important” for their academic success (71.5% nationally).
- 45.1% of VSC students own tablet computers (45.2% nationally).
- 76.2% of VSC students own smartphones (86.9% nationally).
- 38.2% of VSC students simultaneously connect 2 devices to campus networks (49.2% nationally).

Moodle

- 52.9% of VSC students used Moodle in “most” or “all” of their courses (60.4% nationally, including other learning management systems).
- 62.3% of VSC students were “satisfied” or “very satisfied” with Moodle (63.5% nationally, including other learning management systems).
- 46.8% of VSC students have taken completely online courses (46.2% nationally).

Instruction

- 37.3% of VSC students report “almost all” or “all” of their instructors effectively use technology to support their academic success (37.3% nationally).
- 22.2% of VSC students wish instructors used freely available content beyond their campus; e.g., OpenCourseWare, Khan Academy, iTunesU, Mayo Clinic, etc.—5 on scale of 1 to 5 (25.5% nationally).
- 21.5% of VSC students wish instructors used recorded lectures or “lecture capture”—5 on scale of 1 to 5 (32.4% nationally).
- 27.5% of VSC students wish instructors used early-alert systems to catch potential academic trouble as soon as possible—5 on scale of 1 to 5 (29.3% nationally).

Observations and implications of VSC survey data

- Data for VSC student use of IT generally tracks national use data.
- A high percentage of VSC students own and use mobile computing devices, suggesting the need to maintain good wi-fi network access on campus, which may also help attract prospective students.
- Given usage of mobile computing devices among VSC students, colleges should consider how those devices can be used for in-class learning activities, communications, and online student evaluations of courses, among other applications.
- VSC students are satisfied with Moodle and its use by faculty. Training and support for Moodle for both students and faculty should therefore continue to be a priority.
- VSC students would welcome increased use of technology-based support resources, such as Open Educational Resources, lecture capture, and early-alert systems.
- The relatively large proportion of VSC students desiring an early-alert system that signals academic problems suggests that such systems may contribute to improved retention.

Members of the VSC Teaching and Learning Technologies Group can provide a copy of a VSC Benchmarking Report that compares survey results for individual colleges and the VSC collectively to national results.

December 2014

2. Vermont Tech Program Update

At the request of Chair Hannum during a previous meeting, Vermont Tech President Dan Smith will share with Committee the college's general education delivery plans and an update on curriculum revisions.

B. ITEMS FOR DISCUSSION AND ACTION

1. Minutes of the December 3, 2014 EPSL Committee Meeting

The EPSL Committee met on Thursday, December 3, 2014 at the Office of the Chancellor in Montpelier, Vermont.

EPSL Committee members present: Lynn Dickinson (via phone), Michelle Fairbrother, Kraig Hannum (Chair), Karen Luneau (via phone), Jim Masland (Vice-Chair), Alyssa Slaimen.

Other trustees present: Jerry Diamond (via phone), Chris Macfarlane, Linda Milne, Martha O'Connor, Heidi Pelletier

Absent: Tim Jerman, Bill Lippert, Gary Moore

From the Chancellor's Office: Tim Donovan, Chancellor; Bill Reedy, Vice President & General Counsel; Tom Robbins, Vice President & CFO; Elaine Sopchak, Executive Assistant to the Chancellor; Sophie Zdatny, Associate General Counsel

College Presidents: Joe Bertolino, Dan Smith, Joyce Judy, Barbara Murphy, Dave Wolk

Members of the Public: Tess Conant, President, PAT-SUP
Scott Dikeman, CSC Dean of Administration
Loren Loomis Hubbell, LSC Dean of Administration
Barbara Martin, CCV Dean of Administration
Sandy Noyes, Unit Vice Chair, VSEA Represented Staff
Tony Pepper, CSC Academic Dean
Dan Regan, JSC Academic Dean
Sharron Scott, JSC Dean of Administration
Jeb Spaulding, Secretary of Administration
Littleton Tyler, VTC Dean of Administration

Chair Hannum called the meeting to order at 3:10 pm.

Chancellor Donovan reminded the committee that since members were attending via phone, all votes must be by roll call.

A. ITEMS FOR DISCUSSION AND ACTION

1. Approval of Minutes of October 22, 2014 Meeting

Trustee Fairbrother moved and Trustee Dickinson seconded the approval of the minutes of the October 22, 2014 meeting. The minutes were approved unanimously.

2. Discussion of Programs under 2014 Program Review and Continuous Improvement Process (PReCIP)

Chancellor Donovan introduced Johnson State College Academic Dean Dan Regan, who is working in a part-time capacity with the Chancellor's Office to oversee certain academic responsibilities. Dean Regan explained to the committee that the New England Association of Schools and Colleges requires periodic review of all academic programs. Chancellor Donovan explained the accreditation process briefly.

The committee discussed the feasibility of program cost analysis. Vermont Technical College President Dan Smith described a cost analysis tool developed at Vermont Tech that is being shared with the other colleges. Chancellor Donovan explained the role of the Director of Institutional Research in the Chancellor's Office, and the capacity for institutional research at each of the colleges.

The committee also discussed the recommendations for various individual programs at the colleges, and the decision making process around how programs are discontinued.

Trustee Fairbrother moved and Trustee Luneau seconded the resolution Status of Programs under 2014 Policy 101 Review. The resolution passed unanimously.

3. Commendation of 2014 PReCIP Process Participants

Trustee Masland moved and Trustee Fairbrother seconded the resolution Commendation of 2014 PReCIP Process Participation. The resolution passed unanimously. Chancellor Donovan recognized Dean Regan for his leadership in the process.

4. Approval of Programs to be Reviewed under 2015 PReCIP Process

Trustee Fairbrother moved and Trustee Luneau seconded the resolution Approval of Programs to be Reviewed under 2015 PReCIP Process. The resolution passed unanimously.

B. ITEMS FOR INFORMATION AND DISCUSSION

1. Preliminary Program Proposal

CSC: Master of Arts/Certificate of Advanced Study in School Psychology

Castleton State College President Dave Wolk described the program as designed to meet a need in the state for school psychologists. The program will seek accreditation. The certificate will be for those who already have a Master's degree. Most students in the program are from the region, though the online aspect of the program will draw students from farther away.

2. Discussion of VSC Employee Costs

Chancellor Donovan presented an overview of employment at the VSC. The committee also discussed how to measure programs' financial viability. Chancellor Donovan suggested the committee provide VSC management with direction as to how the Board would like this kind of information to be presented. President Smith offered to share with the committee his college's program analysis tool at the next meeting.

Trustee Fairbrother moved and Trustee Slaimen seconded the adjournment of the meeting. The meeting ended at 4:48 p.m.

2. Vermont Tech: Policy 102 Preliminary Program Proposal for Bachelor of Science, Manufacturing Engineering Technology

Vermont Tech proposes a Bachelor of Science degree program in Manufacturing Engineering Technology. President Smith provided early notification of the program to the Council of Presidents in January. The program is driven by the growth of manufacturing in this region and nationally and by interest from industry clients and traditional students. The program objectives are distinctly different from other B.S. degree programs at Vermont Tech but it uses several existing courses that are currently offered on a regular basis. The objectives and outcomes align with the requirements established by the Society of Manufacturing Engineers for an ABET-accredited Manufacturing Engineering Technology program. This is a preliminary proposal for the program; a final proposal will be submitted upon the EPSL Committee's approval of continued planning. A full description of the program, including financial projections, follows.

VERMONT STATE COLLEGES NEW PROGRAM PROPOSAL
Preliminary Proposal Form

Part I: General Information

1. Institution: Vermont Technical College
2. Name of new program: Bachelor of Science in Manufacturing Engineering Technology
3. a) Individual(s) with responsibility for program development: John Kidder
b) Academic Department(s): Mechanical Engineering Technology
4. a) Date of Preliminary Proposal: January 2015
b) Proposed start date of program: Fall 2015
5. Title of degree to be conferred (if applicable):
Bachelor of Science in Manufacturing Engineering Technology
6. Brief description of proposed program (150 words or less):

The objective of the program is to prepare graduates with technical and leadership skills necessary for manufacturing competitiveness and to enter careers in manufacturing process and systems design, operations, quality, continuous improvement, lean manufacturing, and sustainability. Graduates must demonstrate the ability to apply the following to the solution of manufacturing programs to achieve manufacturing competitiveness:

- (a) materials and manufacturing processes;
- (b) product design process, tooling, and assembly
- (c) manufacturing systems, automation, and operations
- (d) statistics, quality and continuous improvement, and industrial organization and management.

The program includes a capstone experience that develops and illustrates student competencies in applying both technical and non-technical skills in successfully solving manufacturing problems.

Part II: Program Rationale

1. How the program relates to institutional mission, furthers institutional strategic planning and priorities, and complements existing institutional programs:

The B.S. degree program in Manufacturing Engineering Technology is driven by the growth of manufacturing in this region and nationally and by interest from industry clients and traditional students. The program objectives are distinctly different from other B.S. degree programs at Vermont Tech but it uses several existing courses that are currently offered on a regular basis. The objectives and outcomes align with the requirements established by the Society of Manufacturing Engineers for an ABET-accredited Manufacturing Engineering Technology program.

2. Student market to be served (new or currently under-served):

The student market includes full-time students pursuing a career in the manufacturing sector as well as a significant number of working people who are in the process completing or have completed an apprenticeship certificate or associate degree in general engineering technology through Continuing Education and Workforce Training department programs.

3. State need(s) to be served:

Manufacturing Technicians, Quality Control Engineering, Advanced Machinists, Manufacturing Supervisors. In addition to those specific positions, apprentice program graduates from GE-Aviation, GW Plastics and other manufacturers in Vermont need a career and education ladder that not only contains relevant content, but that is accessible to incumbent workers.

4. How the program benefits the State of Vermont, furthers VSC strategic planning priorities, and relates to existing VSC programs:

The Vermont Advanced Manufacturing Partnership report (2013) clearly identified the many benefits that the manufacturing sector offers the State of Vermont. Both large and small manufacturers in Vermont have reported a skills gap and find it difficult to hire and keep employees with the skills and education required to advance within their companies.

One of the foundations of this program is accessibility for students with previous college experiences or those that are currently working. It will use alternative delivery strategies (Adobe Connect, bundled weekend labs) and the curriculum is not overly prescriptive with the course requirements prior to the manufacturing engineering technology emphasis courses.

The program objectives are distinctly different from other B.S. degree programs at Vermont Tech while at the same time it also articulates well with existing certificate and associates degree programs at VTC and CCV.

Part III: Resource Considerations

Preliminary cost/ benefit analysis, including whether the program will be supported by a reallocation of existing resources or will require new resources:

The B.S. program in Manufacturing Engineering Technology will leverage: (1) existing resources within the Department of Mechanical Engineering Technology, which currently offers an associate degree in Mechanical Engineering Technology. (2) Continuing Education programs that have provided apprenticeship certificates and general engineering technology associates degrees to industry clients for the past 20 years. (3) Programs and expertise delivered through the Vermont Manufacturing Extension Center.

Some new resources may be required, including manufacturing equipment and instrumentation and additional laboratory space. Support for educational equipment and supplies will be pursued through industrial partners, grant funding, and other sources.

A financial analysis was recently completed and a summary of the costs, revenue, and net is shown below. The analysis assumed an enrollment of 18 new students each year with 10% attrition, and 35% on direct costs. The complete spreadsheet can be made available if needed.

	Costs	Revenue	Net
Total Program Year 1:	\$ 180,045	\$ 279,234	\$ 99,189
Total Program Year 2:	\$ 372,892	\$ 518,006	\$ 145,114
Total Program Year 3:	\$ 525,456	\$ 708,316	\$ 182,860
Total Program Year 4:	\$ 655,400	\$ 878,418	\$ 223,017

One Lab Section Each!
 \$\$/WL
 Tuition/Credit
 Number of students Yr. 1
 Number of students Yr. 2
 Number of students Yr. 3 & 4
 Overhead rate

*Assumed average of Brandon/Richmond-Hall/Adjunct
 \$ 494 *Current Rate
 18 *Starting 1st Yr/Fall, 10% drop in Spring
 15 *Starting 2nd Yr/Fall, 10% drop in Spring
 12
 \$0.35

SUMMARY

	Costs	Revenue	Net
Year 1:	\$ 180,045	\$ 279,234	\$ 99,189
Year 2:	\$ 372,892	\$ 518,006	\$ 145,114
Year 3:	\$ 525,456	\$ 708,316	\$ 182,860
Year 4:	\$ 655,400	\$ 878,418	\$ 223,017

VTC FINANCIAL IMPACT

Title	Notes	Course	WL	WL Cost	Other costs	Total Cost	Student Cr.	Per student revenue	Lab Fees	Total Rev., 18 students starting
1st YEAR: FALL										
English		ENG 10XX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 26,676
Intro Mech Technology		MEC 1XXX	1.3	\$ 4,777		\$ 4,777	1	\$ 494	\$ 50	\$ 9,792
Design Comm I		MEC 1011	4.0	\$ 14,331		\$ 14,331	2	\$ 988	\$ 100	\$ 19,584
Manufact Processes		MEC 1020	3.0	\$ 10,731		\$ 10,731	2	\$ 988	\$ 50	\$ 18,684
Pre-Calc I		MAT 14	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 26,676
Physics I		PHY 1041	5.0	\$ 17,861		\$ 17,861	4	\$ 1,976	\$ 50	\$ 36,468
			19.4	\$ 69,090	\$ -	\$ 69,090	15	\$ 7,410	\$ 250	\$ 137,880
1st YEAR: SPRING										
Technical Comm		ENG 2080	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 24,008
Design Comm II		MEC 1012	4.0	\$ 14,331		\$ 14,331	2	\$ 988	\$ 150	\$ 18,436
Pre-Calc II		MAT 14	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 24,008
Physics II		PHY 1042	5.0	\$ 17,861		\$ 17,861	4	\$ 1,976	\$ 50	\$ 32,821
AH/SS Elective		ELE XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 24,008
			18.0	\$ 64,277	\$ -	\$ 64,277	15	\$ 7,410	\$ 200	\$ 123,282
2nd YEAR: FALL										
Basic Electricity I		ELT 2071	4.0	\$ 14,296		\$ 14,296	3	\$ 1,482	\$ 50	\$ 22,337
Statics & Strength Mat'l's		MEC 2035	4.3	\$ 15,472		\$ 15,472	4	\$ 1,976	\$ 50	\$ 29,539
Comp Aided Tech		MEC 2040	3.0	\$ 10,731		\$ 10,731	2	\$ 988	\$ 50	\$ 15,134
Calc for Engineering		MAT 1520	4.0	\$ 14,260		\$ 14,260	4	\$ 1,976		\$ 28,810
Metrology & Inspection		MEC 1060	4.0	\$ 14,296		\$ 14,296	3	\$ 1,482	\$ 50	\$ 22,337
			19.4	\$ 69,054	\$ -	\$ 69,054	16	\$ 7,904	\$ 200	\$ 118,156
2nd YEAR: SPRING										
Electronics		ELT 2072	4.0	\$ 14,296		\$ 14,296	3	\$ 1,482	\$ 50	\$ 20,103
General Chemistry I		CHE 1031	6.7	\$ 23,814		\$ 23,814	4	\$ 1,976	\$ 50	\$ 26,585
Machine Design Components		MEC 2070	4.0	\$ 14,296		\$ 14,296	3	\$ 1,482	\$ 50	\$ 20,103
Statistics		MAT 2021	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 19,447
AH/SS Elective		ELE XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 19,447
			20.7	\$ 73,796	\$ -	\$ 73,796	16	\$ 7,904	\$ 150	\$ 105,685
3rd YEAR: FALL										
Principles of Management		BUS 2020	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Fluid Mechanics & Systems		MEC 2010	3.3	\$ 11,907		\$ 11,907	3	\$ 1,482	\$ 50	\$ 18,093
Materials Processes		MEC 3XXX	3.3	\$ 11,907		\$ 11,907	3	\$ 1,482	\$ 50	\$ 18,093
AH/SS Elective		ELE XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Technical Elective		XXX XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
			15.7	\$ 55,899	\$ -	\$ 55,899	15	\$ 7,410	\$ 100	\$ 88,692
3rd YEAR: SPRING										
Advanced Manufacturing Processes		MEC 3XXX	3.3	\$ 11,907		\$ 11,907	3	\$ 1,482	\$ 50	\$ 18,093
Advanced CNC		MEC 3XXX	3.3	\$ 11,907		\$ 11,907	3	\$ 1,482	\$ 50	\$ 18,093
Thermodynamics & Heat Transfer		MEC 2050	3.3	\$ 11,907		\$ 11,907	3	\$ 1,482	\$ 50	\$ 18,093
Technical Elective		XXX XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Technical Elective		XXX XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
			16.0	\$ 57,111	\$ -	\$ 57,111	15	\$ 7,410	\$ 150	\$ 89,282
4th YEAR: FALL										
Organizational Communications		BUS 2260	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Production & Operations Management		BUS 3150	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Upper Level AH/SS Elective		ELE 3XXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Quality Control		MEC 4XXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Technical Elective		XXX XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
			15.0	\$ 53,475	\$ -	\$ 53,475	15	\$ 7,410	\$ -	\$ 87,511
4th YEAR: SPRING										
Manufacturing Capstone		MEC 4XXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Lean Manufacturing		MEC 4XXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Technical Project Management		BUS 4350	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
Technical Elective		XXX XXXX	3.0	\$ 10,695		\$ 10,695	3	\$ 1,482		\$ 17,502
			12.0	\$ 42,780	\$ -	\$ 42,780	12	\$ 5,928	\$ -	\$ 70,008
Instruction/Tuition & Lab Fees						\$ 485,482			\$ 820,496	
Extras							Fees Yr. 1	\$ 1,004	\$ 18,072	Activity/Facilities
Room Fee							Fees Yr. 2	\$ 1,024	\$ 14,931	Activity/Facilities
Normal Fees							Fees Yr. 3	\$ 1,045	\$ 12,336	Activity/Facilities
Overhead/Indirect						\$ 169,919	Fees Yr. 4	\$ 1,065	\$ 12,583	Activity/Facilities
TOTALS						\$ 655,400			\$ 878,418	
									\$ 223,017	Year 4 & Subsequent Net
						Costs		Revenue		
Total Program Year 1:						\$ 180,045		\$ 279,234	\$ 99,189	Year 1 Net
Total Program Year 2:						\$ 372,892		\$ 518,006	\$ 145,114	Year 2 Net
Total Program Year 3:						\$ 525,456		\$ 708,316	\$ 182,860	Year 3 Net
Total Program Year 4:						\$ 655,400		\$ 878,418	\$ 223,017	Year 4 Net



Manual of Policy and Procedures

Title APPROVAL OF NEW DEGREES AND MAJORS	Number 102	Page 1 of 6
	Date 4/28/11	

PURPOSE

The overall purpose of the policy is to support the mission of the VSC: for the benefit of Vermont, to provide affordable, high quality, student-centered and accessible education, fully integrating professional, liberal, and career study. In addition, the policy:

1. links the development of new programs directly to institutional and system priorities and strategic planning,
2. encourages early program planning collaboration across VSC colleges,
3. requires proposed new programs to identify student learning outcomes and begin to plan for their assessment,
4. maintains flexibility for colleges to respond to market demands, and
5. streamlines and accelerates the program approval process.

The VSC supports the development of new academic programs that meet the changing educational needs of students and the State. This policy affects proposals for new degrees and new majors.

CRITERIA FOR REVIEW

At a minimum, a new academic program will:

1. align with and support the mission of the VSC and the college,
2. support institutional and system strategic planning directions,
3. assist in meeting State needs and/ or serve a new student market,
4. provide a clear and viable career path for program completers, and
5. strengthen the fiscal stability/ health of the college.

In addition, a new academic program will complement, extend and/ or diversify the educational offerings of the VSC, as well as contribute to the fiscal stability of the system.

PROPOSAL AND REVIEW PROCESS

Step 1: Early Notification

The President of the college initiating the program idea sends an electronic message to the Council of Presidents.

1. The message provides a brief notification of the program planning idea and an invitation to collaborate across colleges.
2. The message also provides an opportunity for other VSC presidents and/or the Chancellor's Office to voice reservations or endorse the program idea.

The Chancellor, in collaboration with the presidents, will determine whether or not the proposal is endorsed for further development.

Step 2: Preliminary Proposal

- The President of the college initiating the program proposal submits the Preliminary Proposal Form to the Chancellor's Office (see attached Preliminary Proposal Form).
- The Chancellor may forward the Preliminary Proposal to the Council of Presidents for their review; only those proposals that are fully supported by the Council of Presidents move beyond this point.
- The Council of Presidents may forward the Preliminary Proposal to the EPSL Committee for their review.
- If approved for continued planning, EPSL may identify specific issues/questions for the college to address in their Final Proposal.

NOTES:

With the approval of the Chancellor, a new program proposal may be reviewed in final form after early notification (eliminating the preliminary proposal step); the Chancellor will determine whether or not special circumstances warrant an expedited review process; the Chancellor will approve expedited review processes only in rare cases. The EPSL Committee will receive advanced notice if the Chancellor approves an expedited review process.

Step 3: Final Proposal

- Pending EPSL approval for continued planning, the President of the college initiating the program proposal submits the Final Proposal Form to the Chancellor's Office with informational copies to the other VSC presidents (see attached Final Proposal Form).
- If forwarded by the Chancellor, EPSL reviews the Final Proposal Form and considers whether or not to recommend the proposal for approval by the Board of Trustees.
- If forwarded by EPSL, the full Board of Trustees reviews the Final Proposal Form and makes a final decision about whether or not to approve the new program.

Signed by: Timothy J. Donovan Chancellor

3. Revision to Policy 301

The federal Veterans Access, Choice and Accountability Act of 2014 (“Choice Act”) requires the Veterans Administration to disapprove programs of education for payment of benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty at public institutions of higher learning if the institutions charge qualifying veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015. It also seeks to ensure that the recently discharged and veterans, and their eligible family members, who meet certain eligibility criteria, not be charged the tuition rate and fees for out-of-state students when using their education benefits. Associate General Counsel Sophie Zdatny will review for the Board suggested revisions to VSC Policy 301, *Determination of In-State Residency for Tuition Purposes* to comply with the Choice Act. A copy of the current Policy 301 follows, along with a suggested revision and resolution for the Committee’s approval.



SECTION 702 OF THE CHOICE ACT

Section 702 of the Veterans Access, Choice and Accountability Act of 2014 (“Choice Act”), requires VA to disapprove programs of education for payment of benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty at public institutions of higher learning if the schools charge qualifying Veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015.

These new requirements will ensure that our Nation’s recently discharged Veterans, and their eligible family members, will not have to bear the cost of out-of-state charges while using their well-deserved education benefits.

DO PUBLIC SCHOOLS HAVE TO OFFER IN-STATE RATES TO ALL VETERANS AND DEPENDENTS TO MEET THE REQUIREMENTS OF SECTION 702?

No. To remain approved for VA’s GI Bill programs, schools must charge in-state tuition and fee amounts to “covered individuals.” A “covered individual” is defined in the Choice Act as:

- A Veteran who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
- A spouse or child using transferred benefits who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within 3 years of the transferor’s discharge from a period of active duty service of 90 days or more.
- A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of the Servicemember’s death in the line of duty following a period of active duty service of 90 days or more.



Note: Individuals who initially meet the requirements above will maintain “covered individual” status as long as they remain continuously enrolled at the institution of higher learning, even if they are outside the 3-year window or enroll in multiple programs.

WHAT HAPPENS IF A STATE DOES NOT OFFER IN-STATE TUITION AND FEES TO ALL “COVERED INDIVIDUALS”?

The law requires VA to disapprove programs of education for everyone training under the Post-9/11 GI Bill and the Montgomery GI Bill –Active Duty (MGIB-AD) if in-state tuition and fees are not offered to all “covered individuals.”

WHAT STEPS MUST BE TAKEN TO ENSURE THAT VETERANS AND THEIR FAMILY MEMBERS CAN RECEIVE VA GI BILL BENEFITS AT PUBLIC SCHOOLS IN MY STATE?

States must ensure all public institutions of higher learning offering VA-approved programs charge in-state tuition and fees to “covered individuals” as described, to include same-sex spouses and children (biological, adopted, pre-adoptive, and stepchildren of same-sex spouses) after July 1, 2015. To ensure compliance, States should consider offering in-state tuition and fees to all individuals eligible for benefits under the Post-9/11 and MGIB-AD programs.

WHEN DO STATES HAVE TO MEET THESE REQUIREMENTS?

Public institutions must offer in-state tuition and fees to all “covered individuals” for Veterans and family members to be eligible to receive GI Bill benefits for training beginning after July 1, 2015. VA will not issue payments for any students eligible for the Post-9/11 GI Bill or the MGIB-AD until the school becomes fully compliant. VA is in the process of developing waiver criteria for States that are actively pursuing changes to comply with these provisions. More information regarding the waiver criteria will be included in a regulation published in the Federal Register.

IF MY SCHOOL BECOMES COMPLIANT AFTER JULY 1, 2015, WHEN WILL VA BEGIN ISSUING PAYMENTS?

VA will not issue payments under the Post-9/11 GI Bill and MGIB-AD for all students in terms beginning after July 1, 2015, if the requirements of Section 702 are not met, unless a waiver is granted. If the in-state tuition and fee policies are brought into compliance with the requirements after July 1, 2015, and no waiver was previously granted, VA will begin making payments for terms, quarters, or semesters that begin on or after the date that the compliant policies take effect.

WHERE CAN I GO TO GET MORE INFORMATION?

Questions regarding the provisions of Section 702 may be submitted to Section702.Vbavaco@va.gov. VA will provide updates on its website at www.benefits.va.gov/gibill.



Manual of Policy and Procedures

Title POLICY ON DETERMINATION OF IN-STATE RESIDENCY FOR TUITION PURPOSES	Number 301	Page 1 of 32
	Date 10/25/07	

PURPOSE

The Vermont State Colleges charges different tuition rates to in- and out-of-state students. Therefore, criteria and procedures to determine in-state residency for tuition purposes are required.

STATEMENT OF POLICY

The following requirements must be met by a student prior to being granted resident status for the purpose of tuition and other VSC charges:

- 1) The student shall be domiciled in Vermont, said domicile having been continuous for one year immediately prior to the date of enrollment ~~unless the student, in accordance with 16 V.S.A. §2185, is a member of the armed forces of the United States on active duty who is transferred to Vermont for duty other than for the purpose of education.~~ Domicile shall mean a person's true, fixed and permanent home, to which he/she intends to return when absent. Domicile shall not be dependent upon a person's marital status. Although domicile may have been established, a student is presumed to be an out-of-state resident for tuition purposes if he or she moved to Vermont or continues residence in Vermont for the purpose of attending a Vermont institution of higher learning or qualifying for resident status for tuition purposes. Such presumption is rebuttable.
- 2) The student must demonstrate such attachment to the community as would be typical of a permanent resident of his/her age and education. The College's chief admissions officer shall consider in the determination of residency for tuition purposes, among other factors: voter registration, property ownership, payment of income and property taxes, automobile registration and driver's license.
- 3) Receipt of significant financial support from the student's family will create a rebuttable presumption that the student's residence is with his/her family. A student who has not reached the age of eighteen shall be presumed to hold the residence of his or her parents or legal guardian. The presumption shall be rebuttable.

- 4) A student who moves into Vermont within one year of enrollment shall be presumed to have moved to Vermont for the purposes of attending a Vermont institution of higher learning and qualifying for resident status for tuition purposes. This presumption shall be rebuttable.
- 5) A student who is eligible for tuition purposes to enroll as a resident student in another state shall not be enrolled as a "Vermont Resident." The inability to enroll as a resident student in another state does not by itself establish residency in Vermont for tuition purposes. Additionally, a domicile or residency classification assigned by a public or private authority neither qualifies nor disqualifies a student for in-state residency status at a member College. However, such classification may be taken into consideration by the chief admissions officer.
- 6) Notwithstanding paragraphs 1-5, a student shall be considered a resident for in-state tuition purposes at the start of the next semester or academic period where:
- a. The student, in accordance with 16 V.S.A. § 2185, is a member of the Armed Forces of the United States on active duty who is transferred to Vermont for duty other than for the purpose of education; or
 - b. The student is eligible for in-state tuition and fees, as of July 1, 2015, in accordance with Section 702 of the Veterans Access, Choice, and Accountability Act of 2014, because the student:
 - i. is a covered veteran who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of discharge from a period of active duty service of ninety days or more;
 - ii. is a covered spouse or child using a veteran's transferred benefits, who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of the transferor veteran's discharge from a period of active duty service of ninety days or more; or
 - iii. is a covered spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship, who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of the Service Member's death in the line of duty following a period of active duty service of ninety days or more.
- 7) A student enrolling at the Vermont State Colleges shall be classified by the College's chief admissions officer as a resident or non-resident for tuition purposes. The decision by the officer shall be based upon information furnished by the student and other relevant information. The officer is authorized to require such written documents, affidavits, verifications or other evidence as he/she deems necessary.

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Page 3

- ~~7~~8) _____ The burden of proof shall, in all cases, rest upon the student claiming to be a Vermont resident for tuition purposes by clear and convincing evidence.
- ~~8~~9) _____ Changes in residency status for tuition purposes shall become effective for the semester following the date of reclassification.
- ~~9~~10) _____ A student with resident status for tuition purposes will lose that status if he/she, at any time, fails to meet the above requirements.
- ~~10~~11) _____ The decision of the College's chief admissions officer on the classification of a student as a resident or non-resident for tuition purposes may be appealed in writing to the College's Dean of Administration. Further appeal of a classification of a student's residency for tuition purposes may be made in writing to the Office of the Chancellor. The decision of the Office of the Chancellor shall be final.
- ~~11~~12) _____ An applicant for admission or enrollment may obtain a determination of residency status for tuition purposes in accordance with the above criteria and procedures in advance of admission or enrollment.

Signed by: ~~Robert G. Clarke~~
Chancellor



Manual of Policy and Procedures

POLICY ON DETERMINATION OF IN-STATE RESIDENCY FOR TUITION PURPOSES	Number 301	Page 1 of 3
	Date February 19, 2015	

PURPOSE

The Vermont State Colleges charges different tuition rates to in- and out-of-state students. Therefore, criteria and procedures to determine in-state residency for tuition purposes are required.

STATEMENT OF POLICY

The following requirements must be met by a student prior to being granted resident status for the purpose of tuition and other VSC charges:

- 1) The student shall be domiciled in Vermont, said domicile having been continuous for one year immediately prior to the date of enrollment. Domicile shall mean a person's true, fixed and permanent home, to which he/she intends to return when absent. Domicile shall not be dependent upon a person's marital status. Although domicile may have been established, a student is presumed to be an out-of-state resident for tuition purposes if he or she moved to Vermont or continues residence in Vermont for the purpose of attending a Vermont institution of higher learning or qualifying for resident status for tuition purposes. Such presumption is rebuttable.
- 2) The student must demonstrate such attachment to the community as would be typical of a permanent resident of his/her age and education. The College's chief admissions officer shall consider in the determination of residency for tuition purposes, among other factors: voter registration, property ownership, payment of income and property taxes, automobile registration and driver's license.
- 3) Receipt of significant financial support from the student's family will create a rebuttable presumption that the student's residence is with his/her family. A student who has not reached the age of eighteen shall be presumed to hold the residence of his or her parents or legal guardian. The presumption shall be rebuttable.

Signed by: _____
 Jeb Spaulding, Chancellor

- 4) A student who moves into Vermont within one year of enrollment shall be presumed to have moved to Vermont for the purposes of attending a Vermont institution of higher learning and qualifying for resident status for tuition purposes. This presumption shall be rebuttable.
- 5) A student who is eligible for tuition purposes to enroll as a resident student in another state shall not be enrolled as a "Vermont Resident." The inability to enroll as a resident student in another state does not by itself establish residency in Vermont for tuition purposes. Additionally, a domicile or residency classification assigned by a public or private authority neither qualifies nor disqualifies a student for in-state residency status at a member College. However, such classification may be taken into consideration by the chief admissions officer.
- 6) Notwithstanding paragraphs 1-5, a student shall be considered a resident for in-state tuition purposes at the start of the next semester or academic period where:
 - a. The student, in accordance with 16 V.S.A. § 2185, is a member of the Armed Forces of the United States on active duty who is transferred to Vermont for duty other than for the purpose of education; or
 - b. The student is eligible for in-state tuition and fees, as of July 1, 2015, in accordance with Section 702 of the Veterans Access, Choice, and Accountability Act of 2014, because the student:
 - i. is a covered veteran who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of discharge from a period of active duty service of ninety days or more;
 - ii. is a covered spouse or child using a veteran's transferred benefits, who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of the transferor veteran's discharge from a period of active duty service of ninety days or more; or
 - iii. is a covered spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship, who lives in Vermont (regardless of the student's formal state of residence) and enrolls in a member College within three years of the Service Member's death in the line of duty following a period of active duty service of ninety days or more.
- 7) A student enrolling at the Vermont State Colleges shall be classified by the College's chief admissions officer as a resident or non-resident for tuition purposes. The decision by the officer shall be based upon information furnished by the student and other relevant information. The officer is authorized to require such written documents, affidavits, verifications or other evidence as he/she deems necessary.

- 8) The burden of proof shall, in all cases, rest upon the student claiming to be a Vermont resident for tuition purposes by clear and convincing evidence.
- 9) Changes in residency status for tuition purposes shall become effective for the semester following the date of reclassification.
- 10) A student with resident status for tuition purposes will lose that status if he/she, at any time, fails to meet the above requirements.
- 11) The decision of the College's chief admissions officer on the classification of a student as a resident or non-resident for tuition purposes may be appealed in writing to the College's Dean of Administration. Further appeal of a classification of a student's residency for tuition purposes may be made in writing to the Office of the Chancellor. The decision of the Office of the Chancellor shall be final.
- 12) An applicant for admission or enrollment may obtain a determination of residency status for tuition purposes in accordance with the above criteria and procedures in advance of admission or enrollment.

VERMONT STATE COLLEGES

BOARD OF TRUSTEES

RESOLUTION

Revision of Policy 301, *Policy on Determination of
In-State Residency for Tuition Purposes*

- WHEREAS, Section 702 of the federal Veterans Access, Choice and Accountability Act of 2014 (“Choice Act”) requires the Veterans Administration to disapprove programs of education for payment of benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty at public institutions of higher learning if the institutions charge qualifying veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015; and
- WHEREAS, the Choice Act seeks to ensure that the recently discharged and veterans, and their eligible family members, who meet certain eligibility criteria, not be charged the tuition rate and fees for out-of-state students when using their education benefits; and
- WHEREAS, in response to these legislative changes, the VSC has updated Policy 301, *Determination of In-State Residency for Tuition Purposes*, as attached, to comply with these new federal requirements; therefore, be it
- RESOLVED, The Vermont State Colleges Board of Trustees hereby approves the revision of Policy 301, *Determination of In-State Residency for Tuition Purposes*, as attached.

February 19, 2015

4. Revision to Policy 311

There have been several recent legislative changes at both the federal and state level on laws relating to non-discrimination and prevention of harassment. In response to these legislative changes, as well as recent guidance from the U.S Department of Education's Office for Civil Rights, the VSC has updated its policies and procedures to comply with such changes. Associate General Counsel Sophie Zdatny will review with the Board the suggested revisions to VSC Policy 311, *Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct*. A copy of the current Policy 311 follows, along with a suggested revision and resolution for the Committee's approval.



Manual of Policy and Procedures

Title <p style="text-align: center;">NON-DISCRIMINATION AND PREVENTION OF HARASSMENT AND RELATED UNPROFESSIONAL CONDUCT</p>	Number <p style="text-align: center;">311</p>	Page <p style="text-align: center;">1 of 15</p>
Date <p style="text-align: center;">10/20/06</p>		

I. POLICY STATEMENT

The Vermont State Colleges (“VSC”) and each member College do not engage in unlawful discrimination based on race, color, creed, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, disability, age, veteran status, marital status or any other status protected by law. Sexual harassment, racial harassment, and harassment of persons based upon other protected categories are forms of discrimination and will not be tolerated. Also, inappropriate sexual relationships between staff and students, although they may not rise to the level of sexual harassment, are prohibited. Further, the VSC and each member College, in accordance with Vermont law, do not discriminate against any person on the basis of the person having a positive HIV-related blood test.

II. POLICY COVERAGE

Neither the VSC nor any member College discriminates on the basis of the above protected categorizations in application processes for admissions or employment, in academic and residential programs, in employment policies, in scholarship and loan programs, in athletic programs, and in any other programs or facilities.

III. POLICY INTENT AND OVERVIEW

This Policy is intended to be read consistently with, and unless otherwise expressly stated, no broader than, Vermont and federal non-discrimination and harassment prevention laws, regulations and policies. Laws prohibiting discrimination and harassment are many and varied at both the state and federal level and apply with some differing standards and consequences to employees, students and visitors. In the past, VSC non-discrimination and harassment prevention policies have been addressed separately. Because harassment is a form of discrimination, and because these two forms of misconduct are conceptually similar, it is the intent of the VSC to address all prohibitions related to non-discrimination and harassment prevention under one comprehensive policy for ease of access and use. Nonetheless, definitions of different types of discrimination and harassment are necessitated by the underlying legal provisions, including separate definitions for “sexual harassment” against students and employees and separate definitions for “harassment” on the basis of race and on the basis of other categorizations.

Signed by: Robert G. Clarke Chancellor

IV. DEFINITIONS

For the purposes of this Policy, unless the context clearly requires otherwise, the following definitions apply:

Discrimination

“Discrimination” means unlawful discrimination which is the refusal of, withholding from, exclusion from participation in, or denial of any accommodations, advantages, benefits, facilities, privileges, or services of the VSC or its member Colleges on the basis of any of the aforementioned protected categorizations. With respect to definitions of dependents in employee benefit plans, the specific definitions in those plans control.

Harassment

“Harassment,” for the purposes of the definitions of racial harassment and harassment of persons based on other protected categories, means an incident or incidents of verbal, written, visual, or physical conduct or communication based on or motivated by a person's or person's family member's, actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or an employee's performance, or creating an objectively intimidating, hostile, or offensive environment.

The VSC recognizes that the protection of free and open speech and the open exchange of ideas are essential to any academic or artistic community, and crucial for the activity of scholars and artists. It is, therefore, an important element in the "objectivity standard" to be used in judging whether harassment has occurred. This harassment policy statement is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, ethnicity, religious orientation, age, or physical ability, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. The VSC is a community of learners and as such recognizes and affirms that free, honest intellectual inquiry, debate, and constructive dialogue are vital to the academic mission of the VSC and must be protected even when the views expressed are unpopular or controversial. The VSC also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong, or hurtful, he or she is encouraged to express that judgment in the exercise of his or her own freedom of speech or to seek redress when appropriate.

Racial Harassment

“Racial harassment” means conduct that meets the above definition of harassment and that is directed at the characteristics of a person's or a person's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

Harassment Based on Other Protected Categories

“Harassment based on other protected categories” means conduct that meets the above definition of harassment and that is directed at the characteristics of a person's or a person's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories. With respect to harassment based on sex or sexual orientation, the conduct may also include unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature.

Sexual Harassment of a Student

“Sexual harassment of a student,” means (a) an incident or incidents of verbal, written, visual, or physical conduct that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment; and (b) includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

- (1) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.
- (2) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

“Sexual harassment of a student” may also include harassment of a student on the basis of sex or sexual orientation as set forth in the definition of “harassment based on other protected categories” in this Policy. It should also be noted that sexual harassment may occur regardless of the gender of the individuals involved.

Sexual Harassment of an Employee

“Sexual harassment of an employee,” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) submission to that conduct is made either explicitly or implicitly a term or condition of employment; or

(b) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

(c) the conduct has the purpose or effect of objectively and substantially interfering with an individual's work performance or creating an objectively intimidating, hostile or offensive work environment.

It should be noted that sexual harassment may occur regardless of the gender of the individuals involved.

Related Unprofessional Conduct

“Related unprofessional conduct” on the part of a VSC employee means the initiation of or participation in an amorous or sexual relationship with a VSC student when the VSC employee is in a position of power and authority with respect to that student, including but not limited to when the VSC employee is an instructor, coach, advisor, work study supervisor or counselor for the student, or a member of a committee having responsibility for decisions that affect students.

V. PROHIBITIONS AND SANCTIONS

VSC students and employees are expressly prohibited from engaging in discrimination, racial harassment of students or employees, harassment of students and employees in other protected categories, and sexual harassment of students and employees. VSC employees are also expressly prohibited from engaging in related unprofessional conduct. Violation of these prohibitions is grounds for discipline up to and including expulsion of a VSC student or termination of a VSC employee.

Neither the VSC nor a member College may request or require any applicant, or prospective or current student to have an HIV-related blood test. Neither the VSC nor a member College may discriminate against an applicant, or prospective or current student on the basis of a person's having a positive test result from an HIV-related blood test.

Neither the VSC nor a member College may request or require an applicant for employment, or prospective employee or employee to have an HIV-related blood test as a condition of employment. Neither the VSC nor a member College may discriminate against an applicant

for employment, prospective employee or employee on the basis of a person's having a positive test result from an HIV-related blood test.

VI. RETALIATION STRICTLY PROHIBITED

Retaliation for an employee or student having filed or made a good faith complaint under this Policy, or for cooperating in an investigation, is strictly prohibited and will be considered a violation of this Policy.

VII. PROCEDURES

The Chancellor shall establish and update procedures for the handling of complaints of discrimination, harassment, and related unprofessional conduct and the initiation of educational programs designed to prevent such conduct. Such procedures shall be consistent with Vermont and federal legal requirements and any collective bargaining agreements governing the rights and responsibilities of the VSC, its member Colleges and employees. The procedures shall ensure that the VSC and any member College, after notice of harassment or discrimination, investigates complaints of discrimination, harassment, and related unprofessional conduct and, where such complaints are substantiated, takes prompt and appropriate remedial action reasonably calculated to stop the misconduct. Employees or students who have concerns about perceived discrimination, harassment, retaliation or related unprofessional conduct are encouraged to report their concerns as soon as possible.

The procedures established by the Chancellor may be adapted as necessary in order to thoroughly and efficiently investigate and resolve complaints of patterns and practices of discrimination.

The Chancellor, for the Office of the Chancellor, and the President of each member College for his or her College, shall appoint an individual to coordinate efforts to carry out and comply with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972 and shall publicize contact information for the coordinators.

VIII. DUTY TO COOPERATE

All students and employees have a duty to cooperate in investigations undertaken pursuant to this Policy. Failure to cooperate could result in discipline up to and including expulsion or termination.

IX. POLICY DISTRIBUTION AND EDUCATION

The Colleges and the Office of the Chancellor shall annually distribute or make available copies of the policy and related procedures for all students and employees. The Colleges and the Office of the Chancellor will make available appropriate educational materials and programs to facilitate understanding and implementation of this policy for all students and employees.

- Legal Authority: 16 V.S.A. §2182(a)
- Legal References: 9 V.S.A. §§4500 *et seq.* (Vermont Public Accommodations Act)
16 V.S.A. §§11(a)(26), 14, and 565 (Vermont Harassment
Definitions and Standards)
18 V.S.A. §1127 (HIV Discrimination and Testing)
- 21 V.S.A. §495 (Fair Employment Practices Act)
21 V.S.A. §495h (Fair Employment Practices Act)
34 C.F.R. Part 99 (FERPA Regulations)
34 C.F.R. Part 106 (Nondiscrimination on the Basis of Sex in
Education Programs)
20 U.S.C. §1232g (FERPA Statute)
20 U.S.C. §1681 *et seq.* (Title IX of the Education Amendments
of 1972)
42 U.S.C. §2000d (Title VI of the Civil Rights Act of 1964)
- Cross References: Policy 312 (Family Educational Rights and Privacy Act)
- Date Adopted by Trustees: October 20, 2006



Manual of Policy and Procedures

Title <p style="text-align: center;">NON-DISCRIMINATION AND PREVENTION OF HARASSMENT AND RELATED UNPROFESSIONAL CONDUCT</p>	Number <p style="text-align: center;">311</p>	Page <p style="text-align: center;">1 of 12</p>
Date <p style="text-align: center;">February 19, 2015</p>		

I. NOTICE OF NONDISCRIMINATION

The Vermont State Colleges and its member Colleges prohibit discrimination and harassment on the basis of a person’s race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, creed, religion, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results, or any other status protected by state or federal law, pursuant to Title IX of the Education Amendments, the Equal Pay Act, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, Section 504 of the Rehabilitation Act, the Vietnam Era Veterans Readjustment Assistance Act, the Uniformed Services Employment and Reemployment Rights Act, Title VI and Title VII of the Civil Rights Act, the Genetic Information Nondiscrimination Act, the Americans with Disabilities Act, Vermont’s State Employees Labor Relations Act, Vermont’s Public Accommodations Act, Vermont’s statutory provisions on harassment applicable to postsecondary schools, Vermont’s statutory provisions relating to HIV-discrimination and testing, Vermont’s Fair Employment Practices Act, and any other applicable state or federal non-discrimination and harassment prevention law, regulation, or policy.

As a recipient of federal funds, the Vermont State Colleges and each member College of the Vermont State Colleges is required to comply with Title IX of the Education Amendments of 1972 (“Title IX”). In accordance with Title IX, as well as other applicable state and federal law, the VSC and its member Colleges prohibit discrimination on the basis of sex in its education programs and activities, admission, and employment. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Title IX also prohibits

Signed by: _____
 Jeb Spaulding, Chancellor

gender-based harassment, which may include acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve acts of a sexual nature.

Inquiries concerning the application of Title IX may be referred to the VSC's Title IX Coordinators or to the United States Department of Education for the Office of Civil Rights. Inquiries concerning discrimination on the basis of other protected categories may be referred to the VSC's Policy 311 Coordinators, the Vermont Human Rights Commission, the Vermont Attorney General's Office – Civil Rights Unit, or to the Equal Employment Opportunity Commission. Contact information for the Coordinators is located in Appendix A and contact information for these state and federal agencies is located in Appendix C to the *Chancellor's Procedures for Implementation of Policy 311: Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct*.

II. POLICY STATEMENT

The Vermont State Colleges and its member Colleges (collectively the "VSC") are committed to maintaining an educational and working environment free from discrimination, harassment and related unprofessional conduct. The VSC prohibits discrimination on the basis of a person's race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, creed, religion, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results, or any other status protected by state or federal law (collectively "protected categories"). Sexual harassment, racial harassment, and harassment based upon a person's status in a protected category are forms of discrimination and will not be tolerated. In addition, inappropriate sexual relationships between VSC employees and students, including those that may not otherwise rise to the level of sexual harassment, are prohibited.

III. POLICY COVERAGE

In accordance with Title IX, as well as applicable state and federal law, neither the VSC nor any member College shall discriminate on the basis of the above-listed protected categories in the application processes for admissions or employment, in academic and residential programs, in employment policies and practices, in scholarship and loan programs, in athletic programs, or in any other academic, extra-curricular or VSC-sponsored programs, activities, or facilities. The prohibitions set forth in this Policy also apply to all members of the VSC community, including students, employees, and third parties who come on to campus (such as parents, visitors, independent contractors, and vendors). This Policy covers conduct that occurs off-campus, or through the use of online, electronic or digital technologies, and that has a reasonable nexus to any VSC education program or activity, for example by creating a hostile environment on

campus or representing a threat to the safety of members of the VSC community or to the continuance of normal VSC operations.

IV. POLICY INTENT AND OVERVIEW

This Policy is intended to be read consistently with, and unless otherwise expressly stated, no broader than, Vermont and federal non-discrimination and harassment prevention laws, regulations and policies. Laws prohibiting discrimination and harassment are many and varied at both the state and federal level and apply with some differing standards and consequences to employees, students and visitors. Because harassment is a form of discrimination, it is the intent of the VSC to address all prohibitions related to non-discrimination and prevention of harassment under one comprehensive policy for ease of access and use. Acts of sexual misconduct (including, but not limited to, sexual assault), domestic violence, dating violence, and stalking are addressed separately in VSC Policy 311-A, *Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking*. Sexually harassing behavior that violates both this Policy and Policy 311-A may be addressed under either policy.

V. DEFINITIONS

For the purposes of this Policy, unless the context clearly requires otherwise, the following definitions apply. The specific definitions contained in an employee benefit plan will control with respect to any claim arising out of that plan.

A. Discrimination

“Discrimination” means the unlawful refusal of, withholding from, exclusion from participation in, or denial of any accommodations, advantages, benefits, facilities, privileges, or services of the VSC or its member Colleges on the basis of a person’s race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, creed, religion, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results, or any other status protected by state or federal law.

B. Harassment

Under Vermont law, “harassment” means an incident or incidents of verbal, written, visual, or physical conduct or communication, including any incident conducted by electronic means, based on or motivated by a person's or person’s family member’s, actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, creed, religion, disability, age, veteran status, marital status, genetic information, HIV-positive blood test results, or any other status protected by state or federal law that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s

educational performance or access to school resources or an employee's performance, or creating an objectively intimidating, hostile, or offensive environment.

Harassment includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to customs related to any of the protected categories.

C. Sexual Harassment

“Sexual harassment” is unwelcome conduct of a sexual nature and it includes *quid pro quo* sexual harassment and hostile environment sexual harassment. Sexual harassment includes physical conduct of a sexual nature, such as sexual assault or other acts of sexual violence. Sexual misconduct, including sexual assault, is addressed separately in VSC Policy 311-A, *Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking*.¹

- “*Quid pro quo* sexual harassment” generally involves a person in a position of power (such as a supervisor over an employee or a faculty member over a student) pressuring a subordinate employee or a student for sexual favors in exchange for an advancement in the workplace or academically, or under the threat of an adverse employment or academic action being taken. *Quid pro quo* sexual harassment includes situations where, for example, a student or employee is rewarded with a higher grade, a stronger evaluation, or an opportunity for advancement for granting a request for sexual favors or is punished with a lower grade, a less favorable evaluation, or denial of an educational or workplace opportunity for refusing to grant a request for sexual favors. In either case, a person uses the position of power as leverage to pressure another person into complying with a request for sexual favors.
- “Hostile environment sexual harassment” is sexual harassment that creates a hostile employment or educational environment and it is a form of sex discrimination. Examples of sexually harassing behavior that could create a hostile environment under appropriate circumstances include the following where the particular behavior is unwelcome to the person to whom it is directed:
 - Sexual advances, including requests for sexual favors and repeated requests for dates;
 - Intentional unwanted or offensive touching, including fondling;
 - Indecent exposure;
 - Sexually-derogatory comments, including sexually explicit comments, sexually suggestive innuendoes, sexually offensive jokes, and sexual taunts;
 - Obscene or offensive gestures;

¹ Conduct that violates this Policy and Policy 311-A may be addressed under either policy.

- Images and depictions of a sexual nature, including sexually derogatory or sexually suggestive pin-ups, posters, cartoons, and calendars; and
- Writings of a sexually derogatory or suggestive nature.

This list is not exhaustive and other unwelcome behavior of a sexual nature, if it is severe and pervasive enough, may constitute sexual harassment. *See* Section E, Hostile Environment, below for further elaboration.

Conduct is “**unwelcome**” if the person subjected to the alleged sexually harassing behavior did not request or invite it and regards the conduct as undesirable or offensive. The fact that a person willingly participated in conduct on one occasion does not prevent that person from indicating that the same or similar conduct has become unwelcome on a subsequent occasion. If a person actively participates in the conduct, such as sexual banter, without objection, the conduct would not be considered unwelcome.

Sexual harassment may be committed by a stranger, an acquaintance, a colleague, a co-worker, a student, or someone with whom the subject of the harassment has a social, romantic or intimate relationship. Sexual harassment may be committed by or against any individual, regardless of gender, sexual orientation, or gender identity.

1. Sexual Harassment of a Student

Under Vermont law, “sexual harassment of a student” means:

- (a) An incident or incidents of verbal, written, visual, or physical conduct or communication, including any incident conducted by electronic means, based on or motivated by the student’s sex, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment; or
- (b) Unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:
 - (1) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.
 - (2) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

2. Sexual Harassment of an Employee

Under Vermont law, “sexual harassment of an employee” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission to that conduct is made either explicitly or implicitly a term or condition of employment; or
- (b) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- (c) The conduct has the purpose or effect of objectively and substantially interfering with an individual's work performance or creating an objectively intimidating, hostile or offensive work environment.

D. Related Unprofessional Conduct

“Related unprofessional conduct” on the part of a VSC employee means the initiation of or participation in an amorous or sexual relationship with a VSC student when the employee is, or may reasonably be perceived to be, in a position of power and authority over the student, even if the conduct does not otherwise constitute sexual harassment. Examples include, but are not limited to, situations where the VSC employee is an administrator, instructor, coach, advisor, work study supervisor or counselor for the student, or a member of a committee having responsibility for decisions that affect students.

E. Hostile Environment

A “hostile work or educational environment” is one in which the alleged conduct is sufficiently serious as to limit or deny the ability of the person subjected to the harassment to participate in or benefit from the employment or educational environment. The severity and pervasiveness of the alleged harassing conduct is evaluated using common sense and reasonable judgment to determine whether it created an intimidating, hostile or offensive environment. The determination is made from the perspective of a reasonable person, in the position of the person subjected to the alleged harassment, considering all of the relevant circumstances. Factors that may be considered include:

- The degree to which the conduct affected the student’s education or the employee’s employment;
- The type(s) of harassment (for example, whether it was verbal and/or physical);
- The frequency and duration of the harassing conduct;

- The identity of, and relationship between, the alleged harasser and the subject of the harassment;
- The number of individuals engaged in the harassing conduct (for example, a group of students targeting a single student); and
- The setting(s) and context(s) in which the harassing conduct occurred.

Generally, the more severe the conduct, the less need there is to show a repetitive series of incidents to establish a hostile environment, particularly if the harassment was physical. Harassing conduct may violate this Policy if, for multiple instances of conduct, it is so pervasive that when viewed from an objective standard of a similarly-situated reasonable person, it substantially and adversely affected the targeted student's or employee's educational or employment opportunities or benefits. A single incident of harassing conduct may violate this Policy if the conduct is so severe that, when viewed from an objective standard of a similarly-situated reasonable person, it substantially and adversely affected the targeted student's or employee's equal access to educational or employment opportunities or benefits.

F. Retaliation

“Retaliation” against any person for reporting a violation of this Policy, for filing a complaint pursuant to this Policy, or for cooperating in an investigation under this Policy includes, but is not limited to: (1) pressuring a person to drop or not support a complaint; (2) encouraging a person to provide false or misleading information; (3) engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living or work environment; (4) threatening, intimidating or coercing the person; or (5) otherwise discriminating against any person for exercising their rights and responsibilities under this Policy.

VI. FREEDOM OF SPEECH

The VSC recognizes that the protection of free and open speech and the open exchange of ideas are essential to any academic or artistic community, and crucial for the activity of scholars and artists. The VSC also recognizes its obligation under policy and collective bargaining agreements to respect the academic freedom of faculty members. This Policy is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, creed, religion, disability, age, veteran status, marital status, genetic information, or HIV-positive status, when in the judgment of a reasonable person such discussions arise appropriately and with respect for the dignity of others. The VSC is a community of learners and as such recognizes and affirms that free, honest intellectual inquiry, debate, and constructive dialogue are vital to the academic mission of the VSC and must be protected even when the views expressed are unpopular or controversial.

The VSC also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong, or hurtful, he or she is encouraged to express that judgment in the exercise of his or her own freedom of speech or to seek redress when appropriate.

VII. PROHIBITIONS

A. Discrimination and Harassment

All members of the VSC community are expressly prohibited from:

- (1) Discriminating against a student or employee on the basis of a protected category;
- (2) Harassing a student or employee on the basis of a protected category; or
- (3) Sexually harassing a student or employee.

B. Related Unprofessional Conduct

Employees of the VSC are expressly prohibited from engaging in related unprofessional conduct with students.

C. HIV-related Blood Test

Under Vermont law, it is unlawful for the VSC or any member College to request or require any applicant, prospective student, or current student to have an HIV-related blood test or to discriminate against an applicant, prospective student, or current student on the basis of a person's having a positive test result from an HIV-related blood test.

Under Vermont law, it is unlawful for employers and labor organizations to discriminate against, indicate a preference or limitation, refuse properly to classify or refer, or to limit or segregate membership on the basis of a person's having a positive test result from an HIV-related blood test or to require an applicant, prospective employee, employee, prospective member, or member to have an HIV-related blood test as a condition of employment or membership, classification, placement, or referral.

D. Retaliation

Retaliation against any person for reporting a violation of this Policy, filing a complaint, or cooperating with an investigation into an alleged violation of this Policy is prohibited and will be considered a violation of this Policy. Retaliation under this Policy may be found whether or not

the underlying complaint is ultimately found to have merit. A complaint of retaliation should be reported, and will be investigated and adjudicated, using the procedures implementing this Policy.

E. False Information

Providing false information in connection with a complaint under this Policy or intentionally misleading officials in the investigation or resolution of such a complaint is prohibited and may result in disciplinary action.

VIII. DUTY TO COOPERATE

All students and employees have a duty to cooperate in investigations undertaken pursuant to this Policy and are expected to provide complete, accurate, and truthful information. They may be asked to sign statements or other documents memorializing the information they provide, and may be asked to keep the substance of any interview confidential, to the extent permitted by law. Failure to cooperate fully with an investigation may subject the individual to the full range of disciplinary actions, up to and including expulsion or termination.

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved are expected to treat the situation under investigation with respect. To conduct a thorough investigation, the investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions. Nothing herein shall be deemed to limit the procedural rights of unionized and other employees with regard to such investigations.

IX. SANCTIONS²

Violation of the prohibitions set forth in this Policy is grounds for discipline up to and including the dismissal/expulsion of students or the termination of employees. Generally, the range of sanctions for **students** includes verbal and written warnings, written reprimands, counseling, loss of privileges, probationary status, removal from College housing, suspension, dismissal/expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. Generally, the range of sanctions for **employees** includes verbal warnings, written

² Specific sanctions for violations of VSC Policy 311-A, *Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking*, are listed separately in that policy.

warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, or other action determined to be appropriate under the circumstances.

The VSC may also impose certain non-disciplinary remedial actions where appropriate, such as required counseling or training for the respondent and/or a group of students or employees, to stop the misconduct, prevent its recurrence, and remedy its effects. Additional non-disciplinary outcomes, such as extending and modifying no contact orders, room changes, class changes, work schedule changes, building restrictions, and extracurricular activity restrictions may also be imposed, regardless of the finding, to maintain an environment free from discrimination and harassment.

Conduct that violates this Policy may also be unlawful and expose a person engaging in such conduct to civil and/or criminal sanctions.

Misconduct that does not violate this Policy may violate other VSC policies, student handbooks, codes of conduct, or collective bargaining agreements and, if so, shall be handled as set forth in such other documents.

X. PROCEDURES

The Chancellor shall establish and periodically update the procedures for handling complaints alleging violations of this Policy and for developing educational programs designed to prevent such conduct. Such procedures shall be consistent with Vermont and federal legal requirements and any collective bargaining agreements governing the rights and responsibilities of the VSC, its member Colleges and employees. The procedures shall ensure that the VSC and any member College, upon receiving notice of conduct that allegedly violates this Policy, promptly and impartially investigates such complaints and, where complaints are substantiated, takes prompt and appropriate remedial action reasonably calculated to stop the misconduct, prevent its recurrence, and remedy its effects, if necessary.

The procedures established by the Chancellor may be modified as necessary to comply with federal and state law and to ensure that complaints of discrimination and harassment are promptly and impartially investigated and adjudicated.

Students who have concerns about perceived discrimination, harassment, related unprofessional conduct, or retaliation are encouraged to report their concerns as soon as possible. Employees who learn of an incident of discrimination, harassment, related unprofessional conduct, or retaliation are required to report this information as soon as possible, as set forth in the accompanying procedures.

The VSC's primary goals in responding to violations of this Policy are to promote the safety of the VSC community, to address discrimination and harassment, and to prevent discrimination

and harassment from recurring. Individuals should not be deterred from reporting a violation of this Policy because alcohol, drugs, or violations of other VSC's policies were involved in the incident. VSC officials may, in their discretion and on a case-by-case basis, decide not to pursue relatively minor drug, alcohol, or other policy violations related to alleged violations of this Policy or, if they do pursue such violations, to handle them separately from complaints brought under this Policy.

A. Standard of Proof

The standard of proof applicable to the investigation and adjudication of complaints under this Policy shall be "by a preponderance of the evidence," meaning that it is more likely than not (*i.e.* there is more than a 50% likelihood) that the alleged actions or behavior in violation of the Policy occurred.

B. Coordinators

The Chancellor (for the Office of the Chancellor) and the President of each member College (for each College) shall appoint individuals to coordinate efforts to carry out and comply with: (1) Title IX of the Education Amendments of 1972 and the other federal and state laws prohibiting discrimination and harassment on the basis of a protected category; and (2) Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Contact information for the coordinators shall be attached to the Chancellor's Procedures.

XI. POLICY DISTRIBUTION AND EDUCATION

The Colleges and the Office of the Chancellor shall distribute or make available annually copies of the Policy and related procedures for all students and employees. The Colleges and the Office of the Chancellor will make available appropriate educational materials and programs to facilitate understanding and implementation of this Policy for all students and employees.

Date adopted by the Board of Trustees: February 19, 2015

Relevant Legal Authorities

Federal

- 20 U.S.C. § 1681 *et seq.*, Title IX of the Education Amendments of 1972
- 34 C.F.R. Part 106 (Title IX regulations)
- 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act of 1974 (FERPA)
- 34 C.F.R. Part 99 (FERPA regulations)
- 29 U.S.C. § 602(d), Equal Pay Act of 1963
- 29 U.S.C. § 621 *et seq.*, Age Discrimination in Employment Act of 1967, as amended by the Older Workers Benefit Protection Act of 1990
- 29 U.S.C. § 701 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended
- 38 U.S.C. § 4212, Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended
- 38 U.S.C. § 4301 *et seq.*, Uniformed Services Employment and Reemployment Rights Act of 1994
- 42 U.S.C. § 2000d, Title VI of the Civil Rights Act of 1964
- 42 U.S.C. § 2000e *et seq.*, Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978 and the Civil Rights Act of 1991
- 42 U.S.C. § 2000ff-1 *et seq.*, Genetic Information Nondiscrimination Act of 2008
- 42 U.S.C. § 12101 *et seq.*, Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008

State

- 3 V.S.A. § 961(6)-(8), State Employees Labor Relations Act
- 9 V.S.A. §§ 4500 *et seq.*, Vermont Public Accommodations Act
- 16 V.S.A. § 11(a)(26), Classifications and Definitions, Harassment
- 16 V.S.A. § 178, Harassment and Hazing Prevention Policies; Postsecondary Schools
- 16 V.S.A. § 570f, Harassment; Notice and Response
- 18 V.S.A. § 1127, HIV Discrimination and Testing
- 21 V.S.A. § 495, Fair Employment Practices Act
- 21 V.S.A. § 495d(5)-(12), Definitions, Disability
- 21 V.S.A. § 495d(13), Definitions, Sexual Harassment
- 21 V.S.A. § 495h, Fair Employment Practices Act – Sexual Harassment

Cross References

- Chancellor's Procedures for Implementation of Policy 311
- VSC Policy 311-A, *Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking*
- Chancellor's Procedures for Implementation of Policy 311-A
- VSC Policy 312, *Compliance with the Family Educational Rights and Privacy Act (FERPA)*

VERMONT STATE COLLEGES

BOARD OF TRUSTEES

RESOLUTION

Revision of Policy 311, *Non-Discrimination and
Prevention of Harassment and Related Unprofessional Conduct*

- WHEREAS, There have been several recent legislative changes at both the federal and state level on laws relating to non-discrimination and prevention of harassment; and
- WHEREAS, In response to these legislative changes, as well as recent guidance from the U.S Department of Education's Office for Civil Rights, the VSC has updated its policies and procedures to comply with such changes; and
- WHEREAS, The VSC's Policy 311: *Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct* has been revised to assist the VSC and its member Colleges in complying with current law and recent guidance from the Office for Civil Rights; therefore, be it
- RESOLVED, The Vermont State Colleges Board of Trustees hereby approves the revision of Policy 311: *Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct*, as attached.

February 19, 2015

5. Commendation of the JSC Presidential Search Committee

After the announcement of Johnson State College President Barbara Murphy's retirement, the Board appointed a search committee to undertake a national search for her replacement. The committee worked throughout the fall and their work culminated in visits to campus by four semifinalists in January. These campus visits yielded two finalists for the Board's consideration. The search process was thorough, well conducted, and sought input from the entire Johnson State community throughout. Trustee Jerry Diamond, Chair of the search committee, proposes a resolution commending the committee for its hard work. A list of members of the committee follows along with a suggested resolution.

Johnson State College Presidential Search Committee

Jerry Diamond, VSC Trustee, Committee Chair

Lynn Dickinson VSC Legislative Trustee, Committee Vice-Chair

Tim Donovan, Former Chancellor, Vermont State Colleges

Shayna Bennett, JSC Student

Kathleen Brinegar, JSC Professor of Education

Sara Kinerson, JSC Director of Advising

Ken Leslie, JSC Professor of Fine Arts

Gary Moore, VSC Trustee

Martha O'Connor, VSC Trustee, Chair of VSC Board

David Silverman, President/CEO of Union Bank, JSC Alumnus

Alyssa Slaimen, VSC Trustee, JSC Student

Jeb Spaulding, Chancellor, Vermont State Colleges

Jamey Ventura, JSC Director of Athletics

Dave Wolk, President, Castleton State College

VERMONT STATE COLLEGES

BOARD OF TRUSTEES

RESOLUTION

Commendation of Johnson State College

Presidential Search Committee

- WHEREAS, Johnson State College President Barbara E. Murphy has announced her intention to retire at the end of the 2015 academic year after 32 years of service to the Vermont State Colleges; and
- WHEREAS, The VSC Board of Trustees convened a Presidential Search Committee to undertake a search for the new President of Johnson State College; and
- WHEREAS, This committee included VSC trustees, faculty, staff, students, and an external representative with strong ties to the college who have voluntarily committed their time and expertise to the process; and
- WHEREAS, The Presidential Search Committee undertook a national search for presidential candidates and made every effort to include the entire Johnson State College community in the search process; and
- WHEREAS, The search committee has selected two candidates for the Board of Trustees' consideration; therefore be it,
- RESOLVED, That the Board of Trustees commends the Presidential Search Committee and the entire Johnson State College community for promoting, conducting, and participating in a successful search process; and, be it further
- RESOLVED, That the Board of Trustees also commends Johnson State College Executive Assistant to the President Heloisa Herder, CCV Assistant Chief Technology Officer Megan Tucker, VSC Director of Human Resources Nancy Shaw, and Executive Assistant to the Chancellor Elaine Sopchak for their logistical and technical support of the search.

February 19, 2015

6. Nomination for an Honorary Degree

Consistent with the included VSC Policy 107, Honorary Degrees, presidents may nominate a deserving individual for the award of an Honorary Degree to be considered by the EPSL Committee.

Criteria for awarding Honorary Degrees are:

- The nominee has some attachment/connection with the Vermont State Colleges and/or the State of Vermont.
- The nominee has a statewide, national, and/or a worldwide reputation.
- The nominee has made significant contributions to a discipline or field of study offered within the Vermont State Colleges.

In addition, certain categories of individuals are prohibited from receiving Honorary Degrees, specifically: VSC Trustees and employees, Vermont Governors and State Legislators, and U.S. Senators and Representatives.

A nomination will be presented for an individual to receive an Honorary Degrees at Johnson State College's commencement ceremony. The EPSL Committee needs to consider this nomination for endorsement to the full Board.



Manual of Policy and Procedures

HONORARY DEGREES	Number 107	Page 1 of 2
	Date 12/13/12	

PURPOSE

The Vermont State Colleges Board of Trustees, in the name of a specific Vermont State College, may award Honorary Degrees to individuals worthy of such recognition. Thus, procedures and criteria for making such awards are required.

STATEMENT OF POLICY

Awarding an Honorary Degree is indication of the high esteem in which the Vermont State Colleges Board of Trustees holds the recipient. To assure only the most worthy or appropriate receive Honorary Degrees, the following procedures and criteria shall apply:

A. Criteria for Awarding Honorary Degrees

The Board of Trustees, in the name of a specific Vermont State College, may award Honorary Degrees to individuals who have made significant contributions typically to higher education, to the Vermont State Colleges and/or to the State of Vermont. Criteria shall include but not be limited to the following:

- The nominee has some attachment/connection with the Vermont State Colleges and/or the State of Vermont.
- The nominee has a statewide, national and/or a worldwide reputation.
- The nominee has made significant contributions to a discipline or field of study offered within the Vermont State Colleges.

B. Prohibitions

Honorary Degrees shall not be awarded to persons serving in the following positions until three years after termination of such service:

- Trustees
- Vermont Governors
- Vermont State Legislators

- Vermont State Colleges employees
- United States Senators and Representatives from Vermont

C. Degrees Awarded

The following Honorary Degrees may be awarded:

- L.L.D. - Doctor of Laws
- Litt.D. - Doctor of Letters
- Sc.D. - Doctor of Science
- L.H.D. - Doctor of Humane Letters
- Other degrees as authorized by the Board

D. Time of Award

Normally, the colleges shall award Honorary Degrees at Commencement. The colleges may award Honorary Degrees at other appropriate times with the approval of the Board.

E. Number of Awards

The number of Honorary Degrees awarded in an academic year shall be determined by the Board of Trustees.

F. Review of Nominations

College presidents and other Vermont State Colleges constituents may nominate individuals for an Honorary Degree. Nominations are submitted to the Education/ Personnel/ Student Life (EPSL) Committee of the Board of Trustees. Nominations must include a detailed description of the nominee and justification for awarding the nominee an Honorary Degree. Normally, the EPSL Committee shall receive nominations for potential Honorary Degree recipients not less than 90 days prior to the date when Honorary Degrees may be awarded.

The EPSL Committee shall review nominations and recommend to the Board individual(s) to receive an Honorary Degree, should any be awarded.

G. Board Action

The final decision to award Honorary Degrees rests with the Board of Trustees.

Signed by: Timothy J. Donovan Chancellor

February 2, 2015

Jeb Spaulding, Chancellor
Vermont State Colleges
P.O. Box 7
Montpelier, VT 05601



Dear Chancellor Spaulding,

I write to request in accordance with **VSC Policy 107 Honorary Degrees** that the Board of Trustees in the name of Johnson State College awards an Honorary Degree to the College's 2015 Commencement speaker, Camille D. Holmes, J.D.

Camille Holmes became known to Johnson State College when she served as the keynote speaker to Vermont Legal Aid's summer staff college held on the JSC campus summer, 2014. Our Academic Dean Dan Regan met Ms. Holmes and was impressed by her commitment to social justice and equity. Ms. Holmes is a new friend of Johnson State College; so, I am not able to make a strong case for her knowledge of our college yet. I am, however, optimistic that a relationship between JSC and Ms. Holmes will grow. Already, she has expressed interest in meeting the students who will be in Washington, D.C. in April, spending their spring break in April doing service on human rights issues.

Camille Holmes is the Director of Leadership and Racial Equity for the National Legal Aid & Defenders Association. In this position she leads a national initiative to expand capacity to use race equity approaches to advocacy. She collaborates with partners to develop and support a diverse and intergenerational corps of justice leaders and advocates committed to racial equity through social justice leadership.

Prior to her current position, Ms. Holmes co-directed the Project for the Future of Equal Justice, an entity that focuses on understanding and engaging the connections between race, poverty, justice and advocacy. Between 1998 and 2001, she served as Executive Director of the Southern Africa Legal Services & Legal Education Project.

She has presented and written on Advancing Racial Equity, The Leverage of Leadership, Learning Diversity & Community and International Standards for Prisons. Ms. Holmes has been recognized as an Aspen Ideas Festival Scholar (2010) and recognized by the Equal Justice Society with the Race Consciousness in the Law Award (2009).

The links between Ms. Holmes' professional work and our academic programs are many. Students in our political science major, our anthropology and sociology major, and our budding concentration in Criminal Justice study issues that are directly relevant to the areas in which Camille Holmes focuses her distinguished career. More importantly, we have made a commitment to diversity at Johnson State College through programming, workshops on cultural competence, and gaining knowledge. We are proud of our humble progress; but, eager to learn more through a deeper and ongoing engagement with these important issues. In fact, we are initiating a faculty, staff, and student working group on inclusion and diversity this spring.

It would be an important acknowledgment of Johnson State College's commitments to inclusion and the fullness of a diverse community to recognize an accomplished advocate of national standing with an honorary degree from the Vermont State Colleges in the name of Johnson State College.

Sincerely,

A handwritten signature in cursive script that reads "Barbara E. Murphy".

Barbara E. Murphy
President

CAMILLE D. HOLMES

1508 Buchanan St., NW | Washington, D.C. 20011 | 202-641-6324 |
camilledholmes@gmail.com

EDUCATION

Harvard Law School

Juris Doctor, *cum laude*, 1993

Black Letter Journal, *Executive Editor*

Harvard College & Radcliffe College

A.B., *cum laude*, 1989

Black Students Association, *President*, 1987-88

Adams House Crew Team, *Member*, 1987-89

The Opportunes, *a capella*, 1986-88

The Joseph Barrett Award, for a student who "exemplifies qualities of intelligence, warmth, sensitivity and extraordinary openness," 1989

HONORS

Aspen Ideas Festival Scholar Fellow, 2010

Equal Justice Society, Race Consciousness in the Law Award, 2009

PROFESSIONAL EXPERIENCE

National Legal Aid & Defenders Association

2006 - Present

Washington, DC

Director, Leadership and Racial Equity

Lead national initiative to expand capacity of public defender and civil legal aid organizations to use race equity approaches to their advocacy. Convene civil legal aid, public defender, and traditional civil rights organizations with community advocates around issue advocacy and leadership development. Collaborate with partners to identify, develop and support a diverse and intergenerational corps of justice leaders and advocates committed to racial equity through social justice leadership.

Director, Training and Community Education

Led substantive content development of national and regional litigation and advocacy director's conferences and client leadership conferences. Led the development and execution of organizational learning, training and educational agenda. Oversaw operational, financial, substantive, and managerial aspects of trainings and conferences.

Center for Law and Social Policy

2001 – 2006

Washington, DC

Co-Director, Project for the Future of Equal Justice

Senior Counsel

Developed and sustained partnerships, collaborations and alliances among civil legal aid, civil rights, racial justice and community-based organizations. Provided technical assistance to litigation directors, executive directors, staff attorneys and other equal justice advocates across the country with an emphasis on community problem solving approaches, racial justice advocacy, and leadership. Advanced theoretical frameworks for understanding and engaging the connections between race, poverty, justice, and advocacy. Identified and promoted new and innovative approaches to racial and economic justice advocacy across advocacy sectors.

Southern Africa Legal Services & Legal Education Project

1998 - 2001

Washington, DC

Executive Director

Directed all aspects of the work of the Southern Africa Legal Services and Legal Education Project, Inc. (SALSLEP), a non-profit organization supporting institutions working to transform southern African legal systems and to promote the rule of law. Provided networking and technical assistance to legal services organizations in southern Africa. Managed endowed funds, developed fundraising proposals and led resource development efforts. Managed fellowship program and developed public interest law and constitutionalism issues collaborations throughout South Africa.

Wilmer, Cutler & Pickering

1995 - 1998

Washington, DC

Attorney

Practice areas included domestic and international corporate transactions, general corporate governance, bankruptcy, and the formation and governance of quasi-governmental entities. Pro bono practice projects included municipal negotiations in the formation of City First Bank of D.C., a community development bank; and individual representation in landlord-tenant, and family law matters.

United States Court of Appeals, Sixth Circuit

1994-1995

Detroit, MI

Law Clerk

Clerked for the Honorable Damon J. Keith. Researched and drafted bench memoranda and opinions for issues in controversy within the jurisdiction of the Sixth Circuit Court of Appeals.

Kenya Human Rights Commission

1994

Nairobi, Kenya
Visiting Attorney

Researched international standards for prisons. Contributed to written reports on prison conditions and the state of human rights in Kenya. Conducted field interviews and monitored political trials.

SELECTED PUBLICATIONS

“Advancing Racial Equity—a Legal Services Imperative”

Clearinghouse Review: Journal of Poverty Law and Policy, September-October 2013,
Camille D. Holmes and Fran Fajana

“The Leverage of Leadership, Learning, Diversity & Community”

Management Information Exchange Journal, Fall 2006

Camille D. Holmes and Charles Wynder, Jr.

“Race-based Advocacy: The Role and Responsibility of LSC Programs”

Clearinghouse Review: Journal of Poverty Law and Policy, May-June 2002

Camille D. Holmes, Linda Perle and Alan Houseman

SELECTED PRESENTATIONS

Celebration 60 Harvard Law School – Celebrating 60 Years of Alumnae,
On the Front Lines of Law Reform, Panelist, 2013

Advancing the Mission of Legal Services: An Examination of Structural and
Institutional Biases, Massachusetts Diversity Counsel, Massachusetts Legal
Assistance Corporation, NLADA, Featured Speaker, 2013

6th Annual New Mexico Legal Service Providers Conference, Race-Conscious Advocacy,
2013, Keynote Speaker, 2013

Achieving Race Equity Pre-Conference, National Legal Aid & Defender Association
Annual Conference, Lead Trainer, 2009

Remarks to the National Association of IOLTA Providers on Racial Justice Advocacy in
the Legal Services Community, American Bar Association Convention, Speaker, 2003

PROFESSIONAL AFFILIATIONS

Poverty and Race Research Action Council, *Board of Directors*

Sargent Shriver National Center on Poverty Law

Racial Justice Training Institute, *Advisory Committee*

National Equal Justice Library, *Board of Directors*

Jamestown Project, *Founding Member*

American Bar Association, *Individual Rights Section*

National Bar Association, *Greater Washington Area Committee*

Washington Council of Lawyers, *Member*

VERMONT STATE COLLEGES

BOARD OF TRUSTEES

RESOLUTION

Johnson State College Conferral of Honorary Degree

- WHEREAS, Camille D. Holmes, J.D. is highly regarded for her collaborative work dedicated to developing justice leaders and advocates committed to racial equity through social justice leadership; and
- WHEREAS, Dr. Holmes' work connects with Johnson State College students and programs on many levels, from political science, anthropology and sociology, to criminal justice; and
- WHEREAS, Johnson State College has made a commitment to diversity through programs, workshops on cultural competency, and gaining knowledge, and looks forward to ongoing engagement with these important issues; and
- WHEREAS, President Murphy has requested that Dr. Holmes be awarded an honorary degree in accordance with the criteria set forth in Policy 107; and
- WHEREAS, The EPSL Committee reviewed the request and recommends it for approval by the full Board of Trustees; therefore, be it
- RESOLVED, That the VSC Board of Trustees authorizes Johnson State College to award Camille D. Holmes, J.D. an honorary Doctor of Humane Letters degree at the May 16, 2015 commencement ceremony.

February 19, 2015