

June 10, 2020

MEMORANDUM

TO: Board of Trustees, Vermont State Colleges System

FROM: J. Churchill Hindes, Chair
Sophie Zdatny, Interim Chancellor



SUBJECT: Materials for Board of Trustees Meeting June 18, 2020

Attached are the agenda and supporting materials for the upcoming regular Board meeting, Thursday June 18th. We look forward to a productive meeting.

Thursday's meeting will take place via Zoom and will be livestreamed on YouTube. We will begin at 1:00 p.m. with an Emeritus presentation followed by the Business portion of our meeting. We will end the day with training on Policy 316 and Fiduciary Duties and Conflicts of Interest. Materials for the Committee and Board meetings are available for viewing now.

Cc: VSC Board of Trustees
Council of Presidents
Academic Deans
Business Affairs Council
Student Affairs Council

BOARD OF TRUSTEES

J. Churchill Hindes, Chair
(2/28/21)

Janette Bombardier

(2/28/21)

Megan Cluver, Secretary

(3/1/23)

Ryan Cooney

(5/30/21)

Rep. Eileen “Lynn” Dickinson, Vice Chair

(3/1/24)

Margaret “Peg” Flory

(3/1/23)

Rep. Dylan Giambatista

(3/1/22)

Adam Grinold

(3/1/23)

Rep. Bill Lippert, Jr.

(3/1/24)

Karen Luneau

(2/28/21)

Jim Masland

(2/28/22)

Linda Milne

(2/28/21)

Michael Pieciak

(2/28/21)

David Silverman, Treasurer

(2/23/22)

Governor Phil Scott

(ex officio)

Board Committees

Audit

Linda Milne, Chair

David Silverman, Vice-Chair

Megan Cluver

Lynn Dickinson

Karen Luneau

Education, Personnel & Student Life

Jim Masland, Chair

Karen Luneau, Vice Chair

Janette Bombardier

Megan Cluver

Ryan Cooney

Peg Flory

Executive

Church Hindes, Chair

Lynn Dickinson, VC

Megan Cluver

David Silverman

Finance & Facilities

Church Hindes, Chair

David Silverman, Vice Chair

Lynn Dickinson

Peg Flory

Adam Grinold

Linda Milne

Michael Pieciak

Long Range Planning

Michael Pieciak, Chair

Janette Bombardier, Vice Chair

Megan Cluver

Lynn Dickinson

Dylan Giambatista

Adam Grinold

Bill Lippert

Karen Luneau

Nominating

Lynn Dickinson

Janette Bombardier

Bill Lippert

Adam Grinold

Ad Hoc Search

Church Hindes Megan Cluver

Ryan Cooney Lynn Dickinson

Adam Grinold Karen Luneau Jim Masland

Board Meeting Dates

June 17-18, 2020

September 21-22, 2020

December 7, 2020

Vermont Technical College

Lake Morey Resort

Castleton University

VSC Chancellor’s Office

Sophie Zdatny, Interim Chancellor

Chief Financial Officer

Interim General Counsel

Chief Academic Officer

Chief Information Officer

Administrative Director

Director of Facilities

Director of Human Resources

Stephen Wisloski

Todd Daloz

Yasmine Ziesler

Kevin Conroy

Jen Porrier

Richard Ethier

Nancy Shaw

June 12, 2020

Vermont State Colleges Board of Trustees Regular Meeting

Thursday, June 18, 2019

REVISED AGENDA

1:00 PM - Board of Trustees Business Meeting

1. Approval of the Minutes of the May 11, 2020 and June 1, 2020 Board Meetings
2. Presentation of Faculty Emeritus to Dr. Berryman of Northern Vermont University
3. Update from Interim Chancellor
4. Update from the Chair
 - a. Board of Trustees 2020-2021 Calendar discussion/approval
 - b. Lake Morey Discussion
 - c. Update from Ad Hoc Search Committee
5. Report of the Audit Committee
6. Report of the Finance and Facilities Committee
 - a. Approval of Grants and Castleton Endowment
 - b. Approval of Banking and Investment Resolution
 - c. Approval of Resolution Temporarily Waiving Policy 410, Financial Aid and Other Financial Awards
 - d. Approval of Resolution Temporarily Waiving Policy 433, Debt Management
 - e. Approval of Resolution Adopting FY21 Transitional Budget
7. Report of the Education, Personnel, and Student Life Committee
 - a. Approval of VSC Faculty Fellow Dr. Greg Petrics
 - b. Approval of Classroom Recording Policy
 - c. Colleges to provide updates on plans to return students and employees to campuses
8. Report of the Long Range Planning Committee
 - a. Update presentations by each President (15-20 minutes)
 - i. NVU: NVU Strong Advisory Committee
 - ii. VTC: Transition Action Task Force
 - iii. Castleton
 - iv. CCV
9. Consideration of Additional Resolutions
10. Comments from the Public
11. Other Business
12. Possible Executive Session

13. Training Sessions

- a. VSC Policy 316, Protection of Minors and Mandatory Reporting of Child Abuse and Neglect
- b. Fiduciary Duties and Conflicts of Interest

MEETING MATERIALS

1. May 11, 2020 Meeting Minutes
2. June 1, 2020 Meeting Minutes
3. Presentation of Faculty Emeritus to Dr. Berryman of Northern Vermont University
4. Board of Trustees 2020-2021 Draft Calendar
5. Report of Audit Committee
6. Report of the Finance & Facilities Committee
7. Report of the EPSL Committee
 - a. Faculty Fellow Dr. Greg Petrics
 - b. Classroom Recording Policy
8. Training Session
 - a. VSC Policy 316, Protection of Minors and Mandatory Reporting of Child Abuse and Neglect
 - b. Safeguarding our Communities from Sexual Predators: What College Presidents and Trustees Should Ask

Minutes of the VSCS Board of Trustees Meeting held Monday, May 11, 2020, at 1pm via ZOOM – UNAPPROVED

Note: These are unapproved minutes, subject to amendment and/or approval at the subsequent meeting.

The Vermont State Colleges Board of Trustees met on Monday, May 11, 2020, via ZOOM.

Board members present: Churchill Hindes (Chair), Janette Bombardier, Megan Cluver, Lynn Dickinson, Dylan Giambatista, Peg Flory (1:20 p.m.) Izzy Gogarty, Adam Grinold, Bill Lippert, Karen Luneau, Jim Masland, Linda Milne, Mike Pieciak, David Silverman

Presidents: Elaine Collins, Joyce Judy, Pat Moulton, Karen Scolforo

Chancellor's Office Staff: Sophie Zdatny, Interim Chancellor
Donny Bazluke, Network/Security Analyst
Kevin Conroy, Chief Information Officer
Todd Daloz, Interim General Counsel
Jen Porrier, Administrative Director
Meg Walz, Director, Program Manager
Steve Wisloski, Chief Financial Officer
Yasmine Ziesler, Chief Academic Officer

From the Colleges: Nolan Atkins, Provost, Northern Vermont University
Laura Jakubowski, Chief Budget and Finance Officer, Castleton University
Maurice Ouimet, Dean of Enrollment, Castleton University
Sharron Scott, Dean of Administration, Northern Vermont University
Jonathan Spiro, Interim Provost, Castleton University
Littleton Tyler, Dean of Administration, Vermont Technical College
See attachment for further attendees

From the Public: *See attachment for attendees*

1. Welcome and Roll call

Chair Hindes called the meeting to order at 1:03pm. Administrative Director Jen Porrier conducted a roll call of the Trustees.

2. Approval of Minutes
- a. May 6, 2020
 - b. April 29, 2020

- c. April 21, 2020
- d. April 20, 2020
- e. April 11, 2020

Trustee Dickinson asked for a correction in the minutes for April 20, 2020, but upon further inspection, the original time notes was correct. The minutes for April 20, 2020 will be brought for approval again at the next Board meeting. **Trustee Dickinson moved and Trustee Masland seconded the motion to approve the minutes of May 6, April 29, April 21, and April 11, 2020. The motion was approved unanimously.**

3. Update from Interim Chancellor

Interim Chancellor Sophie Zdatny gave a brief update. She shared information about a meeting she had with Speaker of the House Mitzi Johnson, Senate President Pro Tempore Tim Ashe and leaders of the House and Senate Appropriations and Education Committees on May 7th. The VSC has provided information to the State Treasurer's Office, and the State House has hired an external consultant to assess the VSC's financial situation on an expedited schedule. While the VSC is still in a critical financial situation, the Interim Chancellor was cautiously optimistic that the State will provide the bridge funding needed to weather the immediate crisis. The VSC has also submitted a request to the Legislature's Joint Fiscal Office regarding costs related to COVID-19 and a supplemental request will be submitted today. The Interim Chancellor stated that the existing status quo cannot continue and if the Legislature chooses to give the VSC funds to weather this "transition" year, the expectation from the Legislature is for the VSC to exit Academic Year '20-'21 as a transformed Vermont State College System. Individual institutions and the Chancellor's Office are starting the conversations to that effect on their campuses now. Interim Chancellor Zdatny also made a general plea to all, including all observers of the meeting, for collegiality and calm and constructive conversations, with the goal of increased, positive collaboration into the future.

4. Plans for June 1, 2020 Committee Meeting Schedule

On June 1st, there will be meetings of the Executive, Audit, EPSL, Finance & Facilities and LRPC Committees. Unless social distancing restrictions are lifted, these will occur via Zoom.

5. Presentation and Discussion: Anticipating June 1, 2020 Committee Meetings

Finance and Facilities Committee

Chief Financial Officer Steve Wisloski echoed Interim Chancellor Zdatny's sense of cautious optimism. He continued that the F&F committee has not had a meeting since February 3rd and there will be three categories covered on June 1st. First is routine operations (approve endowments, quarterly reviews of cash and investments, grants activities, review of policies, etc.). Second is routine process and procedure to monitor the financial health of the System (regular quarterly financial reporting, budget development process). Third is any extraordinary activities such as the assessment by the State Treasurer for the Legislature, working with the newly designated external consultant, Jim Page (the former Chancellor of the UMaine System), and focusing on requests to access the COVID-19 relief funds. Mr. Wisloski went on to outline the current budget deficits and plans to address that in fiscal 2021 that will be further discussed at the committee meeting on June 1st. He also confirmed that the external audit process would commence at the June 1st meeting.

EPSL Committee

Chief Academic Officer Yasmine Ziesler shared that the last meeting for EPSL occurred on February 3rd but that regular business has been taking place regardless. At the June 1st Committee meeting there will be updates and reports per Policies 101 and 109 as well as the appointment of VSC faculty fellows. Dr. Ziesler then introduced HR UltiPro Program Manager Katrina Meigs to discuss the progress surrounding the UltiPro Payroll and Benefits project. Ms. Meigs shared the progress being made with the ticketing system for UltiPro, transitioning from a reactive state to a proactive state. She shared that in response to COVID-19, across all the VSC unions the employees have created a collective sick bank to support each other. Dr. Ziesler also shared the likely need for an additional EPSL meeting in late July or early August due to the newly issued regulations related to Title IX. She then introduced Interim General Counsel Todd Daloz to discuss that work. Mr. Daloz shared that based on the newly released regulations the VSC will have to make updates to our policies. Policy 311 focuses on discrimination and certain forms of harassment including gender, and Policy 311-A focuses on actions such as assault and stalking. The new Title IX regulations will affect how the VSC investigates and adjudicates complaints under these policies and therefore a new policy is required to address the new Title IX regulations to ensure compliance.

Long Range Planning Committee

As a preview for the Long Range Planning Committee Meeting on June 1st, Interim Chancellor Zdatny invited the Presidents to share updates from each campus. Northern Vermont University President Elaine Collins shared that NVU has created a committee called the NVU Strong Taskforce comprised of sixteen members from faculty, staff, students, student families, alumni and community members. The Committee is chaired by NVU Provost Nolan Atkins and launched on May 7th. The Committee is looking at challenges including COVID-19, declining demographics, low state support, excess capacity in facilities and increased disruption in higher education. Their charge is to sustain NVU and right size it for the future. They intend to start with a fifteen to twenty-five percent budget reduction. The task force will meet for the first time on May 12th and will continue through the month of May in preparation for bringing a specific model for recommendation to the June 17th Board meeting.

Vermont Technical College President Pat Moulton shared that Vermont Tech will end the fiscal year with a surplus and will push that all into strategic reserves. President Moulton shared that Vermont Tech will be shutting down the biodigester and that process will be complete by the end of May. Vermont Tech will be selling the Enterprise Center on Route 66 and will cease teaching two programs: Equine Studies and Fire Science. Vermont Tech's long term planning process involves right-sizing the facilities and involving the community through a Transition Advisory Taskforce comprised of fifteen members of faculty, staff, students and administration. The goal is to develop a plan to transition Vermont Tech to a more sustainable institution able to withstand vulnerabilities exposed by COVID-19. Vermont Tech is planning on returning to face-to-face classrooms in fall of 2020 with backup plans if this is not possible. 2020 Commencement will occur during Homecoming at the students' request.

Castleton University President Karen Scolforo shared that this is her last Board meeting and she will be handing off the discussion to Interim President Jonathan Spiro, who will start on June 1st. She stated that CU's strategy for sustainability includes expense control and sustained healthy

revenue generation. CU froze spending in the spring of 2020 while sustaining a high impact from refunds due to COVID-19. CU is focused on sharing resources and reducing duplicative programs in the VSC system with up to twenty current pathways with CCV. Dean Spiro added that CU is also hoping to be open for face to face instruction in the fall.

Community College of Vermont President Joyce Judy stated that while CCV is engaged in planning, they are taking their lead from the other colleges as well. CCV has all 365 of their classes online for the summer semester with more than 2500 students enrolled so far. CCV was one of 67 Colleges and Universities designated as a second chance Pell Institution, able to work with incarcerated students in a pilot program with the goal of assisting inmates in gaining skills for the workforce and reducing recidivism. The inmates can only take CCV courses offered in the prison. CCV has also received a grant from Northfield Savings Bank to further develop the Flex Grant Program.

Executive Committee

Chair Hindes indicated that the Executive Committee would have a brief meeting on June 1st, largely for the purpose of approving a back-log of meeting minutes.

6. Discussion regarding Search for Longer-Term Interim Chancellor

Chair Hindes explained that the Board anticipates recruiting a new longer-term interim Chancellor to begin as soon as possible to work with the Presidents and the Board during the transition year 2020-2021. Chair Hindes shared three important considerations: this is a decision to be made by the Board, it is important to involve the System's constituents, and expediency is needed. The Trustees then discussed different methods to pursue this endeavor.

Trustee Lippert moved to charge the Executive Committee with the task of bringing a proposal for a search process to the full Board of Trustees by Monday May 18, 2020, to search for a longer-term interim Chancellor, and that the Executive Committee will be open to all Board of Trustees members for participation. Trustee Dickinson seconded. The motion was approved unanimously.

7. Public Comment

Dr. Ziesler shared the process for providing public comment. Beth Walsh and Thomas Judd shared comments with the Board.

8. Other Business

There was no other business.

A recording of the meeting can be found at: <https://www.youtube.com/watch?v=sU2QyB7jreE>

Chair Hindes adjourned the meeting at 3:43pm.

ATTACHMENT: ATTENDEES LIST

Registration Report

Board of Trustees 5/11 M 180 53 0

Attendee Details

First Name	Last Name	Organization	Job Title
Cyndi	Miller	AFT Vermont	Field Rep to the VSCS
BETH	WALSH	NVU-Johnson, VSCUP	Director of Career Dev't/Chapter Chair
Kate	Gold	VSCUP & NVU-Lyndon	President & Director of Advising Resources
Linda	Olson	Castleton University	Professor
Sharron	Scott	Northern Vermont Universi	Dean of Adminsitration
Veronica	Golden	Vermont Technical College	Cataloger, Hartness Library
Elaine	Harvey	Northern Vermont Universi	Director of Student Engagement and Persistence
Dottie	Dearborn	Northern Vermont Universi	financial aid
Rasul	Jackson	Northern Vermont Universi	Assistant Director of Admissions
Steven	Prochet	Vermont Technical College	Hartness Librarian
Carrie	Koniuto	Northern Vermont Universi	Campus Visit Coordinator
Rebecca	Flieder	Basement Medicine	Editor in Chief
Nat	Kinney	Johnson Selectboard	Selectboard Member
Courtney	Widli	Castleton University	Director of Development
Betty	Frye	Actors Theatre Playhouse	Co- Manager
Pauline	Dwyer	NVU	Part-time faculty
Amber	Cheever	Resident of Johnson	Education
Ellem	Smith	C	C
Nicholas	Russo	NBC12	Weather Forecaster
Michele	Whitmore	NVU Johnson	Associate Dean of Students
Jonathan	Davis	Northern Vermont Universi	Dean of Students
Lauren	Philie	Northern Vermont Universi	Development Director
michele	feiner	NVU-Johnson	Coordinator of Disability Services
Katrina	Meigs	VSC	Director Human Resources
Kim	Hannon-Br	VT TECH	Remote Services Coordinator
Janet	Currie	Town of Castleton	Planning Commission
Brian	Marcoux	NVU johnson	Custodian
Jennifer	Harriger	NBC5	Managing Editor
Alexander	Therriault	NVU-Lyndon	RA
Karen	Fournier	NVU Lyndon	Housekeeper
Maurice	Ouimet	Castleton University	Dean of Enrollment
Sandra	Noyes	NVU-J	Office Manager
Laura	Jakubowsk	Castleton University	Chief Budget and Finance Officer
Andrew	Lafrenz	NVU Johnson	Coordinator, Sport Management Concentration
Kate	Richards	Castleton University	Dirctor of Design
Curtis	Ostler	Vermont Tech	Associate Dean
Steve	Cormier	Radio Vermont Group	General Manager
Andy	Pallito	CCV	Dean of Administration
Courtney	Adelman	WVNY Local 22 News	Reporter
tyrone	shaw	nvu	Professor
Margaret	Warden	Northern vermont universit	fye

Lola	Duffort	VTDigger	Reporter
Amy	Nixon	Cal-rec	Reporter
Littleton	Tyler	VTC	Dean Admin
Jensen	Beach	NVU-Johnson	Assistant professor
PAT	MCDONAL	campaign for vermont	president Board of Directors
Michael	Stevens	NVU	Facilities Director
Michelle	Graham	Vermont Tech	Exec Asst to the President
Camden	Patten	NVU Lyndon	Student
Brad	Moskowitz	Northern Vermont Universi	Professor
Thomas	Judd	Vermont Tech	Student
Steven	Howard	VSEA	Executive Director
Karen	Madden	NVU-J	Director

Minutes of the VSCS Board of Trustees Special Meeting held Monday, June 1, 2020, at 12:50pm via ZOOM – UNAPPROVED

Note: These are unapproved minutes, subject to amendment and/or approval at the subsequent meeting.

The Vermont State Colleges Board of Trustees met on Monday, June 1, 2020, via ZOOM.

Board members present: Churchill Hindes (Chair), Megan Cluver, Ryan Cooney, Lynn Dickinson, Dylan Giambatista, Peg Flory, Adam Grinold, Bill Lippert, Karen Luneau, Jim Masland, Linda Milne, Mike Pieciak, David Silverman

Absent: Janette Bombardier

Presidents: Joyce Judy

Chancellor's Office Staff: Donny Bazluke, Network/Security Analyst
Todd Daloz, Interim General Counsel
Jen Porrier, Administrative Director
Meg Walz, Director, Program Manager
Steve Wisloski, Chief Financial Officer
Yasmine Ziesler, Chief Academic Officer
Sophie Zdatny, Interim Chancellor

From the Colleges: Sarah Chambers, Coordinator of Instructional Technology, Castleton University
Michael Fox, Dean of Enrollment & Marketing, Northern Vermont University
Karen Madden, Director of Academic Support Services, Northern Vermont University
Sandra Noyes, President, VSC Staff Federation, Northern Vermont University
Linda Olson, VP Education AFT-VT, Castleton University
Maurice Ouimet, Dean of Enrollment, Castleton University
Sharron Scott, Dean of Administration, Northern Vermont University
Michael Steven, Director of Facilities, Northern Vermont University
Beth Walsh, President, VSCUP, Northern Vermont University

From the Public: Lola Duffort, Reporter, VT Digger
Amy Nixon, Reporter, Caledonian Record

1. Welcome and Roll call

Chair Hindes called the meeting to order at 12:51pm.

2. Establishing an Ad Hoc Search Committee for Interim Chancellor

Chair Hindes stated that the purpose for this special Board meeting is to formally establish an ad hoc Search Committee for the Long-Term Interim Chancellor. (See attached Resolution 2020-003)

Trustee Flory moved that the Board adopt the Resolution establishing an Ad Hoc Search Committee for an Interim Chancellor. Trustee Luneau seconded the motion for approval of Resolution 2020-003. The motion passed unanimously.

Chair Hindes appointed himself and Trustees Masland, Grinold, Cluver, Dickinson, Cooney and Luneau to the Committee. The Committee will meet on Tuesdays at 1:00 p.m. and Thursdays at 3:00 p.m. at least through the month of June.

3. Appointment of System Wide Task Force

Adding to the agenda, Chair Hindes discussed the appointment of a system-wide task force called “VSCS Forward”. This task force will focus on the transition year ahead and will be comprised of representatives from all four institutions and one representative from the Chancellor’s Office. (See attached Resolution 2020-004). The Board discussed the possibility of requesting the Long Range Planning Committee take up this resolution first but instead decided to adopt the resolution directly.

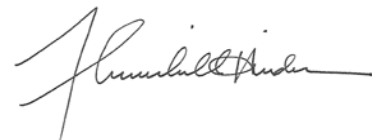
Trustee Lippert moved that the Board adopt the Resolution Establishing a Task Force for System-Wide Transformation. Trustee Pieciak seconded the motion for approval of Resolution 2020-004. The motion passed unanimously.

Chair Hindes adjourned the meeting at 1:07 pm.

VERMONT STATE COLLEGES SYSTEMBOARD OF TRUSTEESRESOLUTION 2020-010Emeritus Status for Dr. Bruce Berryman

- WHEREAS, Dr. Bruce Berryman served the Vermont State Colleges System as a faculty member in the Atmospheric Sciences Department at Lyndon State College for 33 years; and
- WHEREAS, Dr. Berryman's outstanding teaching is evident in the generation of meteorologists, climatologists, and scientists that Dr. Berryman taught, three of whom have managed research weather stations across Antarctica, led meteorologists at The Weather Channel, and worked as a president of a major company; and
- WHEREAS, In 2006 Dr. Berryman created the Vermont Institute of Applied Meteorology, which has provided internships to over one hundred Lyndon students; and
- WHEREAS, Dr. Berryman also served in Academic Affairs as an interim administrator, coordinated and authored NEASC accreditation reports, and served as a coordinator for a \$1.7 million Title III grant prior to his retirement in 2015; and
- WHEREAS, Dr. Berryman continues to give back to Northern Vermont University-Lyndon by regularly attending department events, including the student-led Lyndonville Climate Strike and the Atmospheric Sciences Graduate Student Symposium; and
- WHEREAS, The strong recommendation from President Elaine Collins is supported with recommendations from two past and current chairs of the Atmospheric Sciences Department, unanimous endorsement from the Faculty Assembly at its December 3, 2019 meeting, and letters of support from former colleagues and a student; and
- WHEREAS, Dr. Berryman meets all the criteria established by the Board of Trustees for Emeritus Status under Policy 204; therefore be it
- RESOLVED, That the VSC Board of Trustees grants the title of Professor Emeritus to Dr. Bruce Berryman with all the privileges and responsibilities pertaining thereto.

Approved: June 18, 2020




J. Churchill Hinds, Chair of the Board of Trustees

Proposed Board and Committee Meetings for 2020-2021 (6-12-20)

Date	Location	BOT	Audit	F&F	EPSL	LRPC
Wednesday PM, June 17, 2020	Zoom			√		
Thursday, June 18, 2020	Zoom	√				
Thursday, July 23, 2020	Zoom			√		√
Wednesday, August 12, 2020	Zoom	√				
Monday, August 24, 2020	Zoom/TBD			√		
Tuesday, September 22, 2020	Lake Morey?	√				
Wednesday, September 23, 2020	Lake Morey?	√				
Monday, October 26, 2020	Montpelier		√	√	√	√
Monday, December 7, 2020	Castleton	√			√	
Monday, February 1, 2021			√	√	√	√
Saturday, March 27, 2021		√		√		
Monday, April 19, 2021			√	√		
Monday, May 24, 2021				√	√	√
Wednesday, June 16 PM		√				
Thursday, June 17, 2021		√				
Monday, August 23, 2021				√		
Monday, September 20, 2021	Lake Morey	√				
Tuesday, September 21, 2021	Lake Morey	√				
Monday, October 25, 2021			√	√	√	√
Monday, December 6, 2021		√			√	

MEMORANDUM

TO: Vermont State Colleges System Board of Trustees

FROM: Steve Wisloski 

DATE: June 18, 2020

SUBJ: Audit Committee Report for June 18 Board Meeting

Since the last meeting of the full Vermont State Colleges System Board of Trustees on May 11, the Audit Committee convened once on June 1 to meet with the system's external auditors, O'Connor & Drew, P.C., to review and discuss the fiscal year 2020 audit plan.

O'Connor and Drew also discussed with the Committee the concept of a "going concern" opinion, which in lay terms is when an auditor expresses concern about an entity's financial ability to sustain operations for the twelve months following the rendering of the auditor's opinion. A number of educational institutions particularly in New England have received, or anticipate receiving, going concern opinions, and the global coronavirus pandemic has only accelerated this trend.

Given the recent unprecedented focus on the System from the Legislature, and the anticipation of significant additional funds, the System seems much more likely to avoid a going concern opinion in fiscal year 2020 than was the case even one or two months ago. However, the Committee thought it important that the Board of Trustees was informed of this possible concern, and O'Conner & Drew has provided a memorandum and two articles that discuss going concern opinions in greater detail, which are attached for your information.

Should you have any questions regarding these policies, please contact me at stephen.wisloski@vsc.edu or (802) 595-5006. Thank you.

Attachments



Going Concern Memo

Date: June 4, 2020

From: Christopher Evans, Audit Senior

To: Trustees, Vermont State College System

CC: Kieth Goldie, Partner at OCD and Steve Wisloski, CFO of VSC

Accounting Standards

ASU 2014-15 (the “going-concern standard,”) provides guidance on how to determine when and how to disclose going-concern uncertainties in the financial statements. The going-concern standard requires **management** (auditing standards require O’Conner and Drew PC (“OCD”) to evaluate management’s assessment) to perform an assessment of an entity’s ability to continue as a going concern within one year of the date the financial statements are issued.

OCD notes - Going concern is essentially a term saying the company has the resources to remain solvent and fund their day to day operations. With regard to Vermont State Colleges, the financial statements will be issued around October 15, 2020 so the assessment will be whether Vermont State Colleges has the resources to remain solvent and fund their day to day operations until October 15, 2021.

Initial Assessment

An entity is required to **disclose** information about its potential inability to continue as a going concern when there is “substantial doubt” about its ability to continue as a going concern, which the going-concern standard defines as follows:

Substantial doubt about an entity’s ability to continue as a going concern exists when **conditions and events**, considered in the aggregate, indicate that it is **probable that the entity will be unable to meet its obligations** as they become due within one year after the date that the financial statements are issued. (October 2021)

When applying this disclosure threshold, entities are required to evaluate relevant conditions and events that are known and reasonably knowable at the date that the financial statements are issued. (October 2020)

Conditions and events include the following:

- a. Negative financial trends, for example, recurring operating losses, working capital deficiencies (Current liabilities > Current assets), negative cash flows from operating activities
- b. default on loans or similar agreements, a need to restructure debt to avoid default, noncompliance with
- c. Internal matters, for example, work stoppages, need to significantly revise operations, etc.
- d. External matters - standards mention hurricanes and other natural catastrophes, **COVID health crisis** would fall under this.

Management's Plan

Based on the assessment of these conditions and events as of the date of issuance of the Financial Statements (October 2020), if there is substantial doubt on the entity's ability to continue as a going concern until October 2021 then Management must have a plan to alleviate this substantial doubt. When assessing management plan, OCD will evaluate the following:

- a. It is **probable** that management's plans will be effectively implemented within one year after the date that the financial statements are issued. (October 2021)
- b. It is **probable** that management's plans, when implemented, will mitigate the relevant conditions or events that raise substantial doubt about the entity's ability to continue as a going concern within one year after the date that the financial statements are issued. (October 2021)
- c. Plans **must** be approved before financial statement issuance date (October 2020)

The results of analyzing management's plan results in two different disclosures. If the plan meets the three requirements mentioned above then it is determined that **substantial doubt is raised but is alleviated by management's plans**. If the plan does not meet the requirements, then **substantial doubt is raised and is not alleviated**. See below for a summary of the two different disclosures. (diagram at the end too)

Substantial Doubt Is Raised but Is Alleviated by Management's Plans Disclosure

Principal conditions or events
Management's evaluation
Management's plans

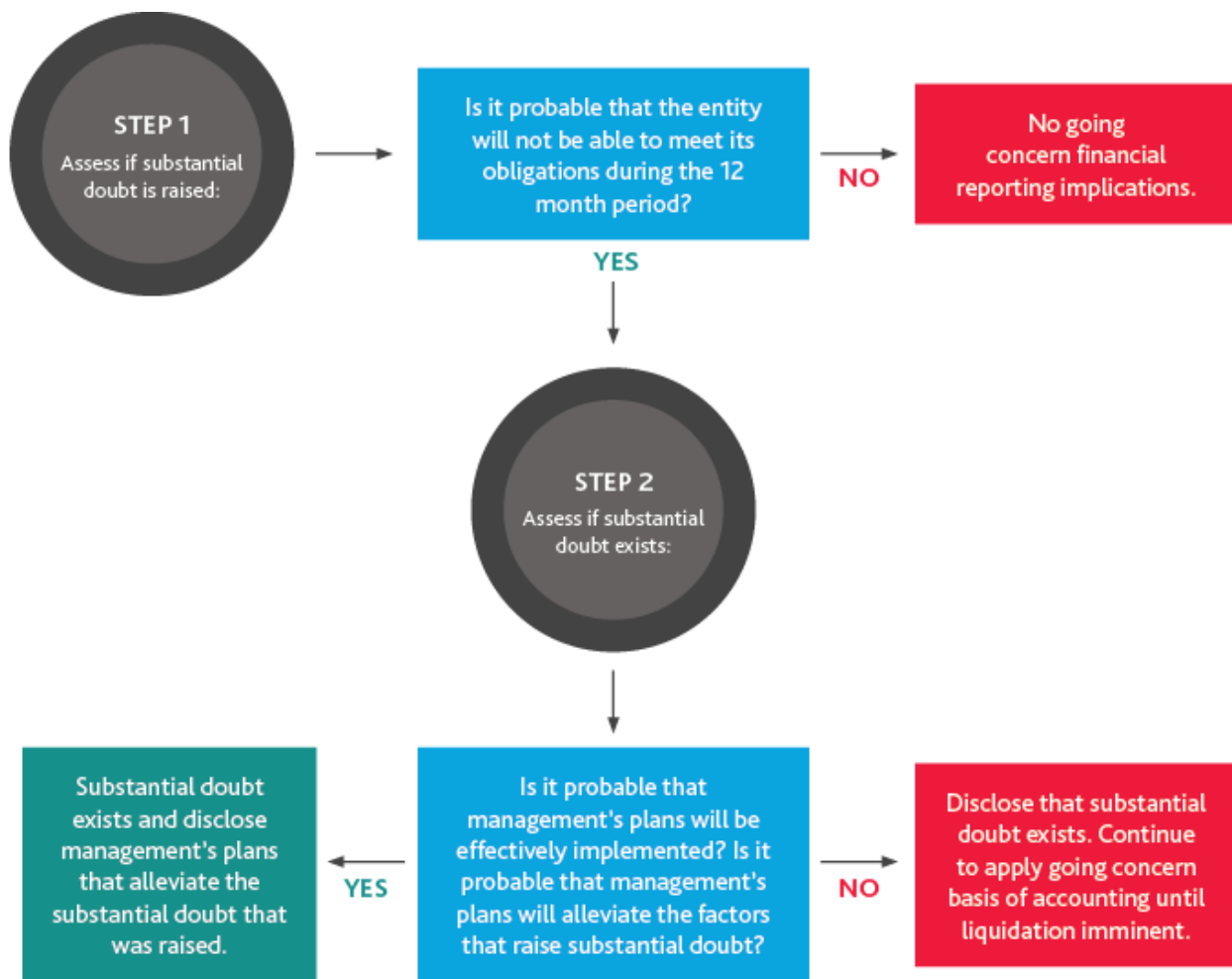
Substantial Doubt Is Raised and Is Not Alleviated Disclosure

Principal conditions or events
Management's evaluation
Management's plans
Statement that there is "substantial doubt about the entity's ability to continue as a going concern"

The going-concern standard explains that these disclosures may change over time as new information becomes available and that disclosure of how the substantial doubt was resolved is

required in the period in which substantial doubt no longer exists (before or after consideration of management’s plans).

OCD notes - Essentially the last paragraph is saying that the assessment of Going Concern is going to be an ongoing assessment up until the date of issuance of the financial statements in October 2020. Additional assistance from the State and the status of the COVID crisis and its effects on Fall 2020 enrollment will definitely play important roles as we continually assess this. It is easy to think of this as a two-step process, 1st step is to evaluate whether there is substantial doubt about the company to continue as going concern and the 2nd step is to assess whether management's plan alleviates these effects. Any significant factors (state funding, etc.) that change from now until October 2020 will essentially have us restarting this two-step process.





A CAQ COVID-19 RESOURCE

Going Concern: Management and Auditor Responsibilities

Published April 2020

CAQ

THECAQ.ORG

WE WELCOME YOUR FEEDBACK

Please send comments or questions
to info@thecaq.org

The COVID-19 pandemic and the related market conditions create many new uncertainties for auditors, audit committees, investors and management of public companies. As SEC Chair Jay Clayton recently recognized, the continuing operation of the US capital markets is an essential component of our national response to, and recovery from, COVID-19. Under US GAAP, financial statements are generally prepared under the assumption that a company will continue as a going concern for a reasonable period of time. This resource is intended to provide a high-level overview of management's accounting requirements under US GAAP and a public company auditor's requirements under PCAOB auditing standards related to going concern.

This resource is intended as general information and should not be relied upon as being definitive or all-inclusive, or a substitute for PCAOB and SEC rules, FASB accounting requirements, standards, guidance, or other resources.

TECHNICAL REQUIREMENTS

For Management

Accounting Standards Update (ASU) 2014-15, Presentation of Financial Statements—Going Concern (Subtopic 205-40), *Disclosure of Uncertainties about an Entity's Ability to Continue as a Going Concern* establishes the US GAAP requirements for management to evaluate a company's ability to continue as a going concern and to provide disclosures in its interim and annual financial statements when there is substantial doubt about an entity's ability to continue as a going concern.

GOING CONCERN: MANAGEMENT AND AUDITOR RESPONSIBILITIES

The following represents a summary of the requirements included in ASU 2014-15:

- + *Substantial doubt* about the entity's ability to continue as a going concern is considered to exist when aggregate conditions and events indicate that it is *probable* that the entity will be unable to meet obligations when due within one year of the date that the financial statements are issued or are available to be issued.
- + Management's evaluation is based on relevant conditions and events that are known and reasonably knowable at the date that the financial statements are issued.
- + The evaluation initially shall not take into consideration the potential mitigating effect of management's plans that have not been fully implemented as of the date that the financial statements are issued (for example, plans to raise capital, borrow money, restructure debt, or dispose of an asset that have been approved but that have not been fully implemented as of the date that the financial statements are issued).
- + When evaluating an entity's ability to meet its obligations, management shall consider quantitative and qualitative information about the following conditions and events, among other relevant conditions and events known and reasonably knowable at the date that the financial statements are issued:
 - The entity's current financial condition, including its liquidity sources at the date that the financial statements are issued;
 - The entity's conditional and unconditional obligations due or anticipated within one year after the date that the financial statements are issued (regardless of whether those obligations are recognized in the entity's financial statements);
 - The funds necessary to maintain the entity's operations considering its current financial condition, obligations, and other expected cash flows within one year after the date that the financial statements are issued; and
 - The other conditions and events, when considered in conjunction with the bullets above,

that may adversely affect the entity's ability to meet its obligations within one year after the date that the financial statements are issued.

- + ASU 2014-15 also requires management to include certain disclosures in its interim and annual financial statements when management concludes that substantial doubt about an entity's ability to continue as a going concern exists.

For Auditors

In the auditor's evaluation of whether the financial statements are presented in conformity with US GAAP, they consider whether the financial statements contain all required disclosures, including those related to going concern, if applicable. As part of this evaluation, auditors assess management's going concern evaluation.

PCAOB Auditing Standard 2415, *Consideration of an Entity's Ability to Continue as a Going Concern* (AS 2415) requires the auditor to, among other things, evaluate whether there is substantial doubt about the company's ability to continue as a going concern for a reasonable period of time, not to exceed one year beyond the date of the annual financial statements being audited. The auditor's evaluation is based on his or her knowledge of conditions and events that exist or have occurred prior to the date of the auditor's report. AS 2415 does not require auditors to design audit procedures solely to identify conditions and events that, when considered in the aggregate, indicate there could be substantial doubt about the entity's ability to continue as a going concern. Rather, the auditing standard suggests that the results of auditing procedures performed to achieve other audit objectives be leveraged to identify such conditions and events. AS 2415 provides the following examples of the types of audit procedures that could be used:

- + Analytical procedures;
- + Review of subsequent events;
- + Review of compliance with terms of debt and loan agreements;
- + Reading of minutes of meetings of stockholders, board of directors, and important committees of the board;

GOING CONCERN: MANAGEMENT AND AUDITOR RESPONSIBILITIES

- + Inquiry of an entity's legal counsel about litigation, claims, and assessments; and
- + Confirmation with related and third parties of the details of arrangements to provide or maintain financial support.

If through the performance of audit procedures, conditions or events indicate there could be substantial doubt about the entity's ability to continue as a going concern, the auditor then reviews management's plans to alleviate such conditions to inform his or her conclusions. After evaluating the evidence obtained, the auditor may conclude that substantial doubt about the entity's ability to continue as a going concern for a reasonable period of time remains, and the auditor's report would include an explanatory paragraph to reflect that conclusion.

AS 2415 also provides clarification as to the auditor's responsibility over going concern through the following statements: *"The auditor is not responsible for predicting future conditions or events. The fact that the entity may cease to exist as a going concern subsequent to receiving a report from the auditor that does not refer to substantial doubt, even within one year following the date of the financial statements, does not, in itself indicate inadequate performance by the auditor. Accordingly, the absence of reference to substantial doubt in an auditor's report should not be viewed as providing assurance as to an entity's ability to continue as a going concern."*

PCAOB Auditing Standard 4105 (AS 4105), *Reviews of Interim Financial Information* establishes standards and provides guidance on the nature, timing, and extent of the procedures to be performed by an independent auditor when conducting a review of *interim financial information*. AS 4105 states that *"A review of interim financial information is not designed to identify conditions or events that may indicate substantial doubt about an entity's ability to continue as a going concern."* Through the course of the performing an interim review, the auditor may become aware of conditions or events that might be indicative of the entity's possible inability to continue as a going concern. In such cases, the

auditor performing the interim review is required under AS 4105 to inquire of management as to its plans for addressing such matters and to consider the adequacy of the Company's disclosures of such matters in the interim financial statements.

Key Differences Between Management's and The Auditor's Requirements

- + **Definition of substantial doubt** - ASU 2014-15 defines *substantial doubt* about the entity's ability to continue as a going concern when aggregate conditions and events indicate that it is *probable* that the entity will be unable to meet obligations when due within one year of the date that the financial statements are issued or are available to be issued. The auditor's evaluation of whether substantial doubt exists is *qualitative* and based on the relevant events and conditions outlined in AS 2415.
- + **Time period of evaluation** - ASU 2014-15 requires management to evaluate whether the entity will be unable to meet its obligations due within one year of the date the financial statements are issued or are available to be issued. Meanwhile, the auditors are required as part of their annual audit to evaluate whether there is substantial doubt about the company's ability to continue as a going concern for a reasonable period of time, not to exceed one year beyond the date of the annual financial statements being audited. This may result in situations where the auditor's going concern evaluation is for a period of time that is less than management's evaluation period.
- + **Interim financial statement requirements** – ASU 2014-15 requires management to assess an entity's ability as a going concern for each interim reporting period. For interim reviews performed in accordance with AS 4105, auditors are required to inquire of management and to consider the adequacy of management's disclosures if they become aware of *conditions or events that might be indicative of the entity's possible inability to continue as a going concern*. AS 4105 states that for an interim review *"It ordinarily is not necessary for the [auditor] to obtain evidence in support of the information that mitigates the effects of the conditions and events."*

GOING CONCERN: MANAGEMENT AND AUDITOR RESPONSIBILITIES

COVID-19 CONSIDERATIONS

As a result of the COVID-19 pandemic and the resulting economic uncertainty, several companies may face challenges that could impact their ability to continue operating as a going concern. Those challenges may include, among others, work stoppages, restrictions and/or regulations, supply chain disruptions and reduced consumer spending. To determine the effect of these challenges on the business, management may need to invest significant effort to prepare supportable future

cash flow projections for the next twelve months that will be utilized in going concern evaluations. This may result in increased judgements by management and corresponding increases in skepticism from auditors with respect to going concern evaluations. In this environment, it becomes even more critical that management, the auditors and those relying on the financial statements have a clear understanding of each party's responsibilities as it relates to going concern with respect to both the interim and annual financial statements. •

Going concern tips for auditors during the pandemic

By Bob Dohrer, CPA, CGMA, with Ken Tysiac

April 3, 2020

Auditor reporting and transparency about the entity's financial condition is information critical to our turbulent economy. Amid the economic turmoil related to the coronavirus pandemic, going concern is one of the topics that auditors are most frequently asking about in their contacts with the AICPA. The information in this article does not address audits performed in accordance with PCAOB standards.

Auditors may need refreshers on what the auditing standards say about going concern and how they interact with the accounting requirements.

In FASB's standards, management is responsible for determining whether preparing the financial statements on a going concern basis is appropriate for the entity. FASB's standards require that management look out for a reasonable period of time, which is 12 months beyond the date when the financial statements are issued. Management needs to assess whether there is substantial doubt about the entity's ability to continue as a going concern for that 12-month period. Management then concludes whether preparation of the financial statements as a going concern is appropriate.

I should also just quickly point out that's the standard issued by FASB for nongovernmental entities. There are also governmental accounting standards. (specifically, for going concern, GASB Statement No. 56, *Codification of Accounting and Financial Reporting Guidance Contained in the AICPA Statements on Auditing Standards*.) And the reasonable period of time for this assessment by management in that case is 12 months from the financial statement date, for example, the balance sheet date.

Some special-purpose frameworks may address this evaluation of a reasonable period of time. For instance, the Financial Reporting Framework for SMEs also has the period defined as 12 months from the financial statement date, for example the balance sheet date.

For this reasonable period of time, management is required to identify whether any conditions or events are present when they're making this evaluation that may cause significant doubt with respect to the ability to continue as a going concern. And management's evaluation is made based on the conditions or events that are known at the time they are making that evaluation or are reasonably knowable as of that date. It essentially is, at the date of that evaluation, what do they know and then what is their conclusion around that.

I think that's important because what that actually says is that conditions that arise or events that occur subsequent to that evaluation or subsequent to the date that the financial statements are issued, those subsequent events may result in a different outcome or a difference that does not reflect management's evaluation. And that's OK. Nobody can predict the future.

“Substantial doubt” from the perspective of management is defined by FASB as a “probable” threshold, which means “likely to occur.” When we get to the auditing discussion later, however, it should be noted that AU-C Section 570, *The Auditor’s Consideration of an Entity’s Ability to Continue as a Going Concern*, does not define “substantial doubt.” The auditing standards direct the auditors to consider whatever the accounting framework uses. In this case, whatever U.S. GAAP (either FASB or GASB) requires is what the auditor would use.

The auditor’s objectives

The auditor is required to consider the evaluation that has been performed by management and then to come to his or her own conclusion on whether the use of the going concern basis is appropriate for preparation of those financial statements. Another requirement is for the auditor to consider the adequacy and the appropriateness of the disclosures around the conditions and events relative to going concern. Those requirements for disclosure are essentially in the accounting framework, so they’re embedded in U.S. GAAP (either FASB or GASB).

Let’s drill down on those basic objectives and consider the steps the auditor goes through in achieving those objectives. The first one, of course, is to consider, from the auditor’s perspective, whether there are any conditions or events that cause or raise substantial doubt about the ability to continue as a going concern.

Certainly, it would be hard to deny that the pandemic and COVID-19 create events and conditions that may cause doubt about an organization’s ability to continue as a going concern. But that’s not a blanket, uniform, absolute rule in today’s environment. Depending on the sector in which the entity operates, it may or may not cause significant doubt. The example that everybody uses these days is, if your business happens to make toilet paper, the environment is probably not leading you to question your ability to continue as a going concern.

On the other hand, if you’re operating a business in the hospitality industry — restaurants, bars, airlines, cruise ships, things like that — obviously the conditions and events give rise to going concern matters.

Once the auditor establishes whether conditions and events warrant a going concern evaluation, the next step for the auditor is to ask whether management has performed the evaluation that they are required to perform under the accounting framework as described above.

If management has performed that evaluation, then the next step would be for the auditor to look at, consider, and discuss management’s evaluation with them. I think in today’s environment, certainly with today’s smaller businesses, management has their hands full with so many things, just keeping the operations going and the doors open, that they may very well have not spent a lot of time with a going concern evaluation. If management has not performed that evaluation, then the auditor is obligated to ask management to perform the evaluation required by the accounting framework.

The next step then is to consider the evaluation that management has performed. The first question of course is, do you agree as an auditor that management has identified all the appropriate conditions and events that need to be considered? Have they extended that evaluation period out to the reasonable period of time? Have they included all relevant information that’s available at that date? Remember, management’s evaluation is valid at the point at which they make that evaluation based on known information.

Management’s plans for mitigating substantial doubt

When conditions and events have been identified and management has concluded there is substantial doubt about their ability to continue as a going concern, the next step would be for the auditor to evaluate management's plans to effectively mitigate those conditions and events to less than a probable chance of occurring.

In other words, the auditor would be asking, "Can management execute these plans, and if executed, would it mitigate substantial doubt about going concern to less than probable?"

This is a key process for auditors. Often management is going to be using cash flow forecasts in that evaluation, and that's a significant factor in helping them determine whether their plans can alleviate substantial doubt.

When management needs to use cash flow projections to make their evaluation, then the auditor certainly has to consider those projections and evaluate the underlying data. The auditor has to make sure the underlying data used in the projections is reliable and that management has the appropriate support for the assumptions they're using in making the projections.

The last piece of the puzzle often for management plans involves the entity's ability to access funding from an external third party, a parent entity, an owner-manager, or some other source. That circumstance is directly addressed in GAAS (AU-C Section 570). If that's part of management's plans, then the auditor needs to assess whether those third parties have both the intent and the ability to provide that support if need be. And if the intent and ability are present, there is a requirement for the auditor to obtain written evidence about the intent, preferably from the third party. And if that's all present, that may very well lead to a conclusion that the going concern has been alleviated for a reasonable period of time.

Specifically related to external funding in the current environment, we're all very well aware of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the funding that is available through a loan program (<https://www.journalofaccountancy.com/news/2020/apr/paycheck-protection-program-ppp-loans-sba-details-coronavirus.html>) with the U.S. Small Business Administration (the SBA). It certainly appears as though most qualifying small businesses will be able to obtain a loan from the SBA to cover payroll and interest on mortgage obligations, as well as rent payments and utility payments for the covered period of that loan. And if those funds are expended as intended, the portions of the loan that are expended in accordance with the program would be forgiven.

As a result, the CARES Act is a viable source for external funding for management today as part of their plans. We certainly believe that because this program has been enacted by legislation and it's being run by the Treasury Department involving the SBA, that the Act or the law itself is sufficient in lieu of written evidence about the intent.

Nonetheless, the CARES Act funding on its own may not be enough to alleviate substantial doubt about going concern. One aspect that the auditor would need to be thinking about, and I'm sure owner-managers and management are thinking about, is whether that funding is sufficient to get them through a full 12-month period. We need to take that consideration going forward in whether the substantial doubt related to going concern was alleviated.

Special considerations related to the COVID-19 pandemic

When management needs to do projections, auditors need to consider the reliability of the underlying data involved in those projections and the reasonableness of management assumptions. I think it's generally well recognized that in the environment we face today with the pandemic, there is a heightened degree of uncertainty associated with trying to do projections for a 12-month period into the future.

Auditors understand that in this environment, it is inevitable that the degree of uncertainty is elevated from what it would be in other cases. Because of this, we need to look at those projections with a degree of judgment to assess whether management has done the best they can in making those projections or assessments, based on the information available to them today.

Auditors also need to ask whether management's assumptions are reasonable. That requires a lot of judgment, but I think we have to appreciate that the robustness and the rigor of elaborate cash flow projections, for example, just may not be possible in the environment we're in. We're all going to have to recognize that those requirements have to be met the best they can with the information that's available at the time the evaluation is made.

The important point then is that when a going concern evaluation involves projections and there is uncertainty involved, those types of disclosure in the financial statements that highlight the uncertainty, especially as it relates to uncertainty associated with estimates and projections, should be made in the notes to the financial statements in the risks and uncertainty area or some general footnote.

Another aspect for auditors to consider is that the conditions and events we're facing should not be considered to be an automatic going concern report for any company. We still have to go through the process. It's likely that we may see more going concern conclusions, but it's not automatic. There are many, many businesses out there that have very strong financial statements, for example.

When you look at what we're facing with the pandemic, clients with very strong balance sheets may not have significant doubt about being able to operate as a going concern for a 12-month period just based on the strength of their financials. This is not an automatic rule of thumb or conclusion to be drawn. You have to look at each circumstance individually and make that assessment. It's possible that we may have businesses out there that can withstand this for 12 months just based on the strength of their financials.

We have received questions from members about whether it would be prudent for management to delay the issuance of its financial statements until some of this uncertainty is resolved. First of all, this would be contingent on whether management has the flexibility to delay issuance of its financial statements. Certainly, we always have to be thinking about who the users of the financial statements are and whether a delay in the issuance of the financial statements would be acceptable or would be viewed as unacceptable by users of the financial statements.

Again, you need to go back to the users of the financial statements. If the issuance of the financial statements is delayed unreasonably, that simply means the users of the financial statements will be deprived of the information they need during that extended period. That may not be in the best interests of the users, and I think that's something management and auditors need to be taking into account.

Another aspect of this is that nobody can even come up with a consensus estimate of when this pandemic may start to look better and resolve itself, or when social distancing or travel restrictions may be relaxed. As a result, it's a little bit of a tenuous proposition to think you're going to wait until the uncertainty resolves itself to issue your financial statements as it may be a long time.

In the end, a client may be most interested in what the auditor's report is going to look like. There are different types of audit reporting that can result from a going concern evaluation.

The first one is generally a rare occurrence. If, after considering the conditions and events and management's plans, there's a conclusion by the auditor that the substantial doubt has not been alleviated and use of the going concern basis of accounting to prepare the financial statements is not appropriate but the financial statements have been prepared on the going concern basis, then the auditor plain and simply has to issue an adverse opinion. We don't expect that to be common at all, but that is one requirement of the standards.

In another scenario, let's say the conditions and events did create a substantial doubt about going concern, but after considering management's plans, including projections and availability of third-party financing or funds, we believe that significant doubt has been alleviated. *If* there's adequate disclosure in the financial statements about those events and conditions and management's plans, then the auditor could issue an unmodified report in that case, or may include an emphasis-of-matter paragraph at the auditor's discretion.

Those disclosures are required by the accounting framework. And if substantial doubt has been alleviated by management's plans, then management would disclose the conditions and events that gave rise to the substantial doubt as well as their plans for alleviating it, and in that case there would be no requirement to modify the standard auditor's opinion. You could issue the unqualified opinion.

The next scenario deals with a situation where the events and conditions give rise to substantial doubt about the ability of the entity to continue as a going concern for a reasonable period of time, and then we consider management's plans, and there's a conclusion that the substantial doubt would not be alleviated by management's plans.

In that case, management is required to make disclosures required by the accounting framework made by management. The auditor is required to add an emphasis-of-matter paragraph to the auditor's report that clearly articulates the nature of substantial doubt about going concern and would direct the users of the financial statements to the appropriate disclosures in the financial statements.

Lastly, an important aspect of this is that the disclosures are required by the financial accounting framework to be made by management. Regardless of where we end up with respect to whether substantial doubt is alleviated or not, the auditor always might be in a situation of having to qualify his or her opinion if the disclosures are not appropriate in the circumstances.

A common occurrence

Although going concern is one of the top three areas we get questions about, the requirements are not actually that complex. Everybody should be familiar with them and the process involved. Certainly, as we alluded to, there are probably a handful of unique considerations that require the auditor to use professional judgment when applying the requirements of the standards.

Certainly, there may very well be an increase in the number of emphasis-of-matter paragraphs and we can expect more disclosure in the financial statements about the risks and uncertainties. But on the other hand, it's not going to be unusual to see those. An entity's financial statements would not look substantially different from everyone else's financial statements if they're done appropriately, because I think there are going to be many in that category.

For more news and reporting on the coronavirus and how CPAs can handle challenges related to the pandemic, visit the JofA's [coronavirus resources page](https://www.journalofaccountancy.com/info/coronavirus-resources-for-cpas.html)

VSCS Board of Trustees

June 18, 2020

(<https://www.journalofaccountancy.com/info/coronavirus-resources-for-cpas.html>).

— **Bob Dohrer**, CPA, CGMA, is the AICPA's chief auditor. **Ken Tysiac** (Kenneth.Tysiac@aicpa-cima.com (<mailto:Kenneth.Tysiac@aicpa-cima.com>)) is the JofA's editorial director.

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MEMORANDUM

TO: Vermont State Colleges System Board of Trustees

FROM: Steve Wisloski 

DATE: June 18, 2020

SUBJ: Finance and Facilities Committee Agenda Items for June 18 Board Meeting

Since the last meeting of the full Vermont State Colleges System Board of Trustees on May 11, the Finance and Facilities Committee convened on June 1, and is scheduled to do so again on June 17, and has either moved or is anticipated to recommend the following items for approval by the full Board of Trustees:

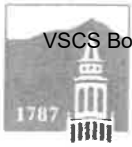
1. A single Endowment, The Elaine H. and Sok Nam Ko International Student Scholarship Fund, in the amount of \$40,000, for Castleton University.
2. Five (5) Grants that exceed the \$750,000 annual threshold specified in VSC Policy 408, Policy on Grants and External Funding, and requiring Committee review and Board approval, as follows:
 - a. Castleton University's CARES Act Institutional Grant, for \$878,417
 - b. Castleton University's CARES Act Student Aid Grant, for \$878,417
 - c. Northern Vermont University's CARES Act Student Aid Grant, for \$966,170
 - d. Northern Vermont University's CARES Act Institutional Grant, for \$966,170
 - e. Vermont Technical College's Small Business Development Corporation (SBDC) Grant, for \$1,280,000
3. Four (4) Resolutions, for the purposes described below:
 - a. Resolution 2020-005, Annual Banking and Investment Resolution
 - b. Resolution 2020-006, Waiver of Policy 410, Financial Aid and Other Financial Awards, for FY2020
 - c. Resolution 2020-007, Waiver of Policy 433, Debt Management Policy, with respect to level or declining total annual debt service, until FY2025
 - d. Resolution 2020-008, Approval of the FY2021 Transitional System First Quarter Budget, for the period from July 1 through September 30

Materials related to each of these items are attached hereto. Should you have any questions regarding these policies, please contact me at stephen.wisloski@vsc.edu or (802) 224-3022. Thank you.

Attachments:

1. The Elaine H. and Sok Nam Ko International Student Scholarship Fund documents
2. Castleton University's CARES Act Institutional Grant documents
3. Castleton University's CARES Act Student Aid Grant documents
4. Northern Vermont University's CARES Act Student Aid Grant documents
5. Northern Vermont University's CARES Act Institutional Grant documents
6. Vermont Technical College's SBDC Grant documents
7. Resolution 2020-005, Annual Banking and Investment Resolution
8. Resolution 2020-006, Waiver of Policy 410
9. Resolution 2020-007, Waiver of Policy 433
10. Resolution 2020-008, Approval of the FY2021 Transitional System First Quarter Budget

**Attachment 1:
The Elaine H. and Sok Nam Ko
International Student Scholarship Fund documents**



Castleton University

Elaine H. and Sok Nam Ko International Student Scholarship

This agreement made by and between Castleton University, a member of the Vermont State Colleges, hereinafter called "Donee" and the Sok Nam Ko Educational Exchange Foundation, hereinafter called Donor, for the purpose of establishing an endowment, to be known as the Elaine H. and Sok Nam Ko International Student Scholarship.

Witnesseth:

WHEREAS: The Sok Nam Ko Educational Exchange Foundation desires to establish an endowment fund at Castleton University.

WHEREAS: Castleton University is willing to accept this donation on the terms hereinafter set forth;

NOW THEREFORE: In consideration of the mutual covenants and conditions herein contained, the parties agree as follows:

1.0 Creation of Fund

- 1.1 Donor has transferred securities in the amount of \$40,000 to Castleton University for the purpose of using income generated from the donation to provide an annual scholarship to a qualified and eligible international student who is enrolled on a full-time basis at Castleton University.
- 1.2 This fund will be held in perpetuity to accumulate annually accrued interest and additional gifts from Donors.
- 1.3 Donor and anyone else may make additional contributions to the Fund. There is no limit on the amount of corpus which may be added to the fund.

2.0 Purpose

- 2.1 Income equal to the lesser of (5%) of the endowment's current market value or 5% of the average market value over the last three years will be used during the following fiscal year to provide a scholarship to an academically qualified international student. If the unspent earnings of the endowment are less than this amount, the award will be reduced to the amount of unspent earnings available, rounded to the nearest \$100.
- 2.2 Applicant must be an international student in good academic standing, with preference given to a qualified student from Asia.
- 2.3 Applicant should show a history of community involvement and volunteerism.
- 2.4 No disbursement from the corpus shall be authorized. The fund will exist in perpetuity.

2.5 Once the amount of the scholarship is determined as stated in Section 2.1, the balance of earnings shall be returned to the corpus for growth.

3.0 Determination of Recipients

The Castleton University Scholarship Committee shall determine who shall receive the annual award. The committee shall have the right to withhold the award if (i) no student is thought sufficiently eligible to receive the award, or (ii) the income from The Fund is insufficient to fund the award. Under such circumstances, income from The Fund shall become part of the principal.

4.0 Consolidation

4.1 The Fund shall be consolidated with the other endowment funds of the Donee for the purposes of investment only. The Fund's income shall be deemed to be the same portion of the total income of the consolidated investments that the principal value of The Fund bears to the principal value of the consolidated investments from year to year.

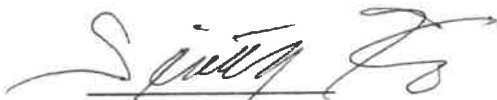
4.2 Any income generated and used for the purpose herein stated shall be identified as the Elaine H. and Sok Nam Ko International Student Scholarship.

5.0 Accounting

After the close of each fiscal year and audit thereof, upon request, Donor shall be provided with an accounting of The Fund showing:

- a) Market value of principal as of the close of the fiscal year;
- b) Income for that fiscal year;
- c) Expenditures for that fiscal year.

For the Donors:

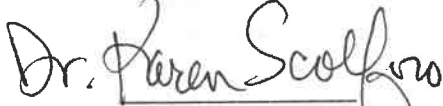


Timothy Ko, President
The Sok Nam Ko Educational Exchange Foundation

04/13/2020

Date

For the Donee:



Karen Scolforo, President
Castleton University

4-16-20

Date

- NEW FUNDING SOURCE DOCUMENT - ENDOWMENTS ONLY

Castleton University

(College Name)

Submit to Chancellor's Office for all activities based upon a new funding source.
Place copy in front of any applicable master file.

1) Name of endowment: (type in all CAP'S)

Elaine H. and Sok Nam Ko International Student Scholarship

2) Granting agency/donor/other funding source: (Attach supporting Documentation)

The Sok Nam Ko Educational Exchange Foundation - Elaine H. Ko-Talmadge & Timothy Ko

3) Purpose of endowment: (Attach supporting Documentation)

Donor's request to support international students at Castleton.

4) Proper accounting fund:

Regular Endowment

Term Endowment

5) General Ledger Activity Code(s): (as proposed or assigned)

061-60000-00000-22340-002

6a) Date Endowment Reach Endowment Status:

ASAP

7) Reporting requirements: (format/to whom/frequency/other)

Annual report of fund balance and scholarship recipients to Elaine Ko.

8a) Funding amount:

\$40,000

8b) One-time - OR

Ongoing funding (indicate timeframe:)

No specific timeframes, restricted funds will be added when received

9a) Is principal use allowed:
(w/Board OK?)

Not intended

9b) If yes, is replenishment of principal allowed or required:

10) If investment proceeds generated, indicate intended disposition:

Per Board Approved Spending Procedure

Fully expend for program as prescribed

Increase principal for inflation and expend remainder

All Investment earnings added for ___ years before expending for endowment purposes begins

Other (describe:) Up to 5% of the annual balance to be used annually for scholarship. Apply proceeds above this to amount of principal.

11) Resident:
Dr Karen M Scolforo

12) Date to Ch's Ofc:
April 10, 2020

13) Date Board Approved:

Elaine H. and Sok Nam Ko International Student Scholarship
Donor: Elaine H Ko-Talmadge and the Sok Nom Ko Educational Exchange
Foundation

About Elaine H. Ko-Talmadge & Sok Nam Ko

Elaine '60 and Sok '58 and both Castleton University Education alumni. Sok was one of the University's very first international students from Asia and passed away in 1991, after a successful career in dentistry. He is the author of *The Way Back Home: Dr. Sok Nam Ko a Life in America*.

Elaine currently resides in Florida after retiring from a career in education and business administration and plays an active role in the Sok Nam Ko Educational Exchange Foundation along with her children Timothy and Suzanne Ko.

The endowment creation marks the Sok Nam Ko Educational Exchange Foundation's first-ever donation to Castleton University.

About The Sok Nam Ko Educational Exchange Foundation

The Sok Nam Ko Educational Exchange Foundation was established on March 16, 1991, and is dedicated to the memory of the late Dr. Sok Nam Ko of Amsterdam, New York. Its purpose is to carry on the efforts of Dr. Ko with respect to broadening educational and cultural experiences of students from the United States and around the world. The foundation provides young men and women the opportunity to travel abroad and learn about the various cultures of other countries and regions.

About the Elaine H. and Sok Nam Ko International Student Scholarship

The Elaine H. and Sok Nam Ko International Student Scholarship is named in memory of the late Dr. Sok Nam Ko and his wife Elaine who shared a strong passion for education and culture appreciation. The endowment was started with a donation of \$40,000.

This scholarship will give preference to international students in good academic standing who have shown a history of community involvement and volunteerism.

Additional Information

Elaine, as well as the Sok Nam Ko Educational Exchange Foundation, plan to continue to make significant contributions to this fund over the next few years, including another potential donation of \$40,000 if they are pleased with the scholarship arrangements. Elaine is also a member of the Castleton 1787 Society, and has placed both Castleton and the Elaine H. and Sok Nam Ko International Student Scholarship as beneficiaries in her will.

This scholarship marks Castleton's second newly created endowment since 2015.

**Attachment 2:
Castleton University's CARES Act
Institutional Grant documents**

CASTLETON UNIVERSITY
COMMUNITY COLLEGE OF VERMONT
NORTHERN VERMONT UNIVERSITY
VERMONT TECHNICAL COLLEGE



FORM A: Intent to Submit a Proposal

Complete this form if you are applying for a grant or other externally-funded project. Submit as soon as you can after the project is conceptualized so that you receive institutional approval to proceed with the proposal development.

Name of principal investigator/project initiator (PI): Laura Jakubowski

Institution: Castleton University Department: Finance

Phone: (802) 468-6072 E-mail: laura.jakubowski@castleton.edu

Name(s) of co-principal investigator (if applicable): _____

Brief description of project:

CARES Act - Higher Education Emergency Relief Funding - Institutional Funds

Funding Type: Federal State Foundation Other _____

Name of funding organization: Department of Education

Is funding being passed through from another organization besides the one listed above? (Example: federal funding passed through a state entity.) If yes, list name: _____

Estimated amount requested: \$878,417 Estimated match amount (if required): _____

Indicate the indirect rate you plan to use for the proposal. NOTE: Unless the sponsor specifies the indirect rate, you should use your institution's federally-negotiated indirect rate.

- Your institution's federally-negotiated indirect rate
- The rate mandated by the sponsor, which is _____ %
- The sponsor doesn't allow for indirect costs to be charged
- Other (please explain) _____

Estimated start and end dates for project: 4/22/20 - 4/22/21

Deadline for proposal submission: _____

Will your proposal require any of the following?

Board of Trustees approval *(Required for proposals of \$750,000+ per year and/or match of \$350,000+ per year)*

Course release

New equipment

New personnel

Research *

** If the proposal involves research on human subjects, please discuss with your Institutional Review Board.*

PI Signature: Laura Z Jakubowski Date: 5/7/20

Approval to Proceed with Proposal Development

Dean of Administration: Laura Z Jakubowski Date: 5/7/20

CASTLETON UNIVERSITY
 COMMUNITY COLLEGE OF VERMONT
 NORTHERN VERMONT UNIVERSITY
 VERMONT TECHNICAL COLLEGE



FORM B: Budget Review and Compliance Certification

DIRECTIONS: Submit this form, along with the required documents, at least 2 business days before the proposal is due.

SECTION 1. Information on Proposal

Name of principal investigator/project initiator (PI): Laura Jakubowski, Castleton University
 Title of proposal: CARES Act: Higher Education Emergency Relief Funding - Institutional
 Name of sponsoring organization: US Department of Education

SECTION 2: Budget

Total amount requested: \$877,417 Direct costs: N/A Indirect costs: N/A
 Amount of match (if applicable): 0 Source(s) of match: _____

Describe what ongoing funding or other support the sponsor expects or requires from your institution when the project ends: _____

UPLOAD BUDGET HERE

(Use VSC Budget Template or upload the budget section of your proposal if preferred)

HEERF - Institutional - Certification and Agreement attached.

SECTION 3: Human Subjects Research

Does this proposal involve research on human subjects?

NO

- YES – Please answer the following:
- I have received IRB approval
 - My application is pending IRB approval
 - I have not yet submitted an IRB application

SECTION 4. Conflict of Interest

Please initial the boxes below indicating that you understand and agree to the following:

- I have read and understand VSCS Policy 210, "Employee Conflict of Interest."
- I agree to follow the procedures outlined in VSCS Policy 210, including notifying the appropriate administrator if I believe I have a conflict of interest based on this grant proposal, and I agree to comply with the final outcome of these procedures.

SECTION 5. Financial Conflict of Interest in Research (for research proposals only)

NOTE: If you are not requesting external funding for research, you do not need to complete this section.

“Research” is defined as a systematic investigation, study, or experiment designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug).

- 1. Complete **Form D: Disclosure of Significant Interests**. Any co-PIs listed on the proposal must also fill out Form D and include with this form.

UPLOAD FORM D HERE

- 2. Complete CITI Conflict of Interest (COI) Training. Any co-PIs listed on the proposal must also take the training and include their completion certificates with this form.

UPLOAD COI COMPLETION CERTIFICATE HERE

This complies with the Department of Health and Human Services regulation 42 CFR Part 50, “Promoting Objectivity in Research,” the National Science Foundation requirement of PAPPG IX.A, “Conflict of Interest Policies,” and VSCS Policy 435, “Financial Conflict of Interest in Research.”

PI Signature: *Laura J. Gallorsta* Date: 5/7/20

Approval to Submit Proposal

President: _____ Date: May 7, 2020

Dean of Administration: *Laura J. Gallorsta* Date: 5/7/20

Office of Sponsored Projects Review

Reviewer: _____ Date: _____

- If Form D is required: No significant financial interests indicated
 Significant financial interests indicated

For proposals of \$750,000+ per year and/or \$350,000+ match per year:

F&F Committee approval date: _____ Board approval date: _____



FORM C: New Award Set-Up

DIRECTIONS: Submit to the VSC Office of Sponsored Projects within 30 days of receiving notification of an award.

Name of principal investigator (PI): Laura Jakubowski

Name of funding organization: Department of Education

Name of pass-through organization (if applicable): _____

CFDA Number (federal grants): 84.25 Grant Number (state grants): _____

List how you'd like grant titled on the general ledger (25-character limit): CARES Institutional

Start date: 4/22/20 End date: 4/22/21

Total grant amount: \$878,417

Budget is the same as proposed. **UPLOAD ORIGINAL BUDGET HERE**

Budget is different than proposed. **UPLOAD REVISED BUDGET HERE**

UPLOAD GRANT NOTIFICATION OR AGREEMENT HERE

UPLOAD COPY OF PROPOSAL HERE

Institutional Authorization

President's Signature: _____ Date: May 21, 2020

Office of Sponsored Projects

GL Code: _____

Due Dates for Financial Reports: _____

Type(s) of Financial Reports: _____

**Attachment 3:
Castleton University's CARES Act
Student Aid Grant documents**

CASTLETON UNIVERSITY
 COMMUNITY COLLEGE OF VERMONT
 NORTHERN VERMONT UNIVERSITY
 VERMONT TECHNICAL COLLEGE



FORM A: Intent to Submit a Proposal

Complete this form if you are applying for a grant or other externally-funded project. Submit as soon as you can after the project is conceptualized so that you receive institutional approval to proceed with the proposal development.

Name of principal investigator/project initiator (PI): Laura Jakubowski

Institution: Castleton University Department: Finance

Phone: (802) 468-6072 E-mail: laura.jakubowski@castleton.edu

Name(s) of co-principal investigator (if applicable): _____

Brief description of project:

CARES Act - Higher Education Emergency Relief Funding - Student Aid

Funding Type: Federal State Foundation Other _____

Name of funding organization: Department of Education

Is funding being passed through from another organization besides the one listed above? (Example: federal funding passed through a state entity.) If yes, list name: _____

Estimated amount requested: \$878,417 Estimated match amount (if required): 0

Indicate the indirect rate you plan to use for the proposal. NOTE: Unless the sponsor specifies the indirect rate, you should use your institution's federally-negotiated indirect rate.

- Your institution's federally-negotiated indirect rate
- The rate mandated by the sponsor, which is _____ %
- The sponsor doesn't allow for indirect costs to be charged
- Other (please explain) _____

12/27/19

Estimated start and end dates for project: 4/15/20 - 4/15/21

Deadline for proposal submission: 4/15/20

Will your proposal require any of the following?

Board of Trustees approval *(Required for proposals of \$750,000+ per year and/or match of \$350,000+ per year)*


Course release

New equipment

New personnel

Research *

** If the proposal involves research on human subjects, please discuss with your Institutional Review Board.*

PI Signature: 

Date: 4/16/20

Approval to Proceed with Proposal Development

Dean of Administration: _____

Date: _____

CASTLETON UNIVERSITY
COMMUNITY COLLEGE OF VERMONT
NORTHERN VERMONT UNIVERSITY
VERMONT TECHNICAL COLLEGE



FORM B: Budget Review and Compliance Certification

DIRECTIONS: Submit this form, along with the required documents, at least 2 business days before the proposal is due.

SECTION 1. Information on Proposal

Name of principal investigator/project initiator (PI): Laura Jakubowski, Castleton University
Title of proposal: CARES Act: Higher Education Emergency Relief Funding
Name of sponsoring organization: US Department of Education

SECTION 2: Budget

Total amount requested: \$878,417 Direct costs: N/A Indirect costs: N/A
Amount of match (if applicable): 0 Source(s) of match: _____

Describe what ongoing funding or other support the sponsor expects or requires from your institution when the project ends: _____

UPLOAD BUDGET HERE

(Use VSC Budget Template or upload the budget section of your proposal if preferred)

HEERF Certification and Agreement Attached

SECTION 3: Human Subjects Research

Does this proposal involve research on human subjects?

- NO
- YES – Please answer the following:
 - I have received IRB approval
 - My application is pending IRB approval
 - I have not yet submitted an IRB application

SECTION 4. Conflict of Interest

Please initial the boxes below indicating that you understand and agree to the following:

- I have read and understand VSCS Policy 210, "Employee Conflict of Interest."
- I agree to follow the procedures outlined in VSCS Policy 210, including notifying the appropriate administrator if I believe I have a conflict of interest based on this grant proposal, and I agree to comply with the final outcome of these procedures.

SECTION 5. Financial Conflict of Interest in Research (for research proposals only)

NOTE: If you are not requesting external funding for research, you do not need to complete this section.

“Research” is defined as a systematic investigation, study, or experiment designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug).


1. Complete **Form D: Disclosure of Significant Interests**. Any co-PIs listed on the proposal must also fill out Form D and include with this form.

UPLOAD FORM D HERE

2. Complete CITI Conflict of Interest (COI) Training. Any co-PIs listed on the proposal must also take the training and include their completion certificates with this form.

UPLOAD COI COMPLETION CERTIFICATE HERE

This complies with the Department of Health and Human Services regulation 42 CFR Part 50, “Promoting Objectivity in Research,” the National Science Foundation requirement of PAPPG IX.A, “Conflict of Interest Policies,” and VSCS Policy 435, “Financial Conflict of Interest in Research.”

PI Signature:  Date: 4/16/20

Approval to Submit Proposal

President: _____ Date: 4/17/2020

Dean of Administration: _____ Date: _____

Office of Sponsored Projects Review

Reviewer: _____ Date: _____

- If Form D is required:
- No significant financial interests indicated
 - Significant financial interests indicated

For proposals of \$750,000+ per year and/or \$350,000+ match per year:

F&F Committee approval date: _____ Board approval date: _____



FORM C: New Award Set-Up

DIRECTIONS: Submit to the VSC Office of Sponsored Projects within 30 days of receiving notification of an award.

Name of principal investigator (PI): Laura Jakubowski

Name of funding organization: Department of Education

Name of pass-through organization (if applicable):

CFDA Number (federal grants): 84.425 Grant Number (state grants):

List how you'd like grant titled on the general ledger (25-character limit): CARES Student

Start date: 04/15/20 End date: 4/15/21

Total grant amount: \$878,417

- Budget is the same as proposed. UPLOAD ORIGINAL BUDGET HERE
Budget is different than proposed. UPLOAD REVISED BUDGET HERE

UPLOAD GRANT NOTIFICATION OR AGREEMENT HERE

UPLOAD COPY OF PROPOSAL HERE

Institutional Authorization

President's Signature: Date: May 21, 2020

Office of Sponsored Projects
GL Code:
Due Dates for Financial Reports:
Type(s) of Financial Reports:

**Attachment 4:
Northern Vermont University's CARES Act
Institutional Grant documents**

Vermont State Colleges Grant Proposal Budget Analysis

Form A & B

College: Vermont State Colleges DBA Northern Vermont University

Grant Title: CARES Act: Higher Education Emergency Relief Fund-IHE/Institution

Grant Agency: Department of Education

Project Director: Toby Stewart

Purpose of Grant: Cover costs associated with significant changes to the delivery of instruction due to the coronavirus

Grant Period: 4/29/2020 to 4/28/2021

Review Period: One Year Multi-Yr** / Cumulative Grant Amt: \$ 966,170.00
 **(please enter number of years covered)

Proposed Funding	1st Yr		2nd Yr		3rd Yr	
	Grant	College	Grant	College	Grant	College
Direct Costs						
Salaries & Wages						
Employee Benefits						
Operations						
Travel						
Equipment						
Library Acquisitions						
Other	\$ 966,170					
Total Direct	\$ 966,170	\$ -	\$ -	\$ -	\$ -	\$ -
Indirect Costs*						
Total Budget	\$ 966,170	\$ -	\$ -	\$ -	\$ -	\$ -

*(In-Kind & Other costs for space, utilities, maintenance, administrative support, etc.) None

What is(are) the sources of College Funding? No money is requested from N

What continuing cost obligations does Granting Agency require/expect? None

What Continuing cost obligations does the College intend/see likely? None

Business Officer Review by: *Hawon Stott* Date: 4/30/2020

Programmatic Review by: _____ Date: _____

Presidential Review by: *Elaine C. Collins* Date: 4/30/20

FORM C

- NEW FUNDING SOURCE DOCUMENT - GRANTS ONLY

Northern Vermont University
(College Name)

Submit to Chancellor's Office for all activities based upon a new funding source.
Place copy in front of any applicable master file.

1) Name of grant:
CARES Act: Higher Education Emergency Relief Fund-IHE/Institution

2) Granting agency/donor/other funding source: (attach support info)
Department of Education

2a) CFDA # 84.425F
2b) State Revenue Code: ___
2c) Award # _____

3) Purpose of activity:
Cover costs associated with significant changes to the delivery of instruction due to the coronavirus

4a) <u>Proper accounting fund:</u> Entity Gasb Code _____ Activity Code _____	4b) <u>Funding Source</u> Federal <input checked="" type="checkbox"/> _____ State <input type="checkbox"/> _____ Other: (Name) _____
---	---

5) Related Grants and their funding sources: N/A

6a) <u>Beginning date:</u> _____ 4/29/2020	6b) <u>Ending date:</u> _____ 4/28/2020	6c) <u>Duration:</u> one year
---	--	----------------------------------

7) Reporting requirements (format/to whom/frequency/other)
Quarterly reporting - format still to be posted by Dept of Ed

8a) <u>Funding amount:</u> \$ 966,170.00	8b) One-time <u>Ongoing funding</u> (indicate timeframe:) _____ _____
Board Approval Required Y or N	

11) <u>President:</u> <i>Elaine C. Collins</i>	12) <u>Date to Ch's Ofc:</u> 5/21/20	13) <u>Date Board Approved:</u>
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**Attachment 5:
Northern Vermont University's CARES Act
Student Aid Grant documents**

Vermont State Colleges Grant Proposal Budget Analysis

Form A & B

College: Vermont State Colleges DBA Northern Vermont University

Grant Title: CARES Act: Higher Education Emergency Relief Fund-IHE/Students

Grant Agency: Department of Education

Project Director: Tanya Bradley

Purpose of Grant: Provide emergency financial aid grants to college students whose lives have been disrupted by COVID-19.

Grant Period: 4/29/2020 to 4/28/2021

Review Period: One Year Multi-Yr** / Cumulative Grant Amt: \$ 966,171.00
 **(please enter number of years covered)

Proposed Funding	1st Yr		2nd Yr		3rd Yr	
	Grant	College	Grant	College	Grant	College
Direct Costs						
Salaries & Wages						
Employee Benefits						
Operations						
Travel						
Equipment						
Library Acquisitions						
Other	\$ 966,171					
Total Direct	\$ 966,171	\$ -	\$ -	\$ -	\$ -	\$ -
Indirect Costs*						
Total Budget	\$ 966,171	\$ -	\$ -	\$ -	\$ -	\$ -

*(In-Kind & Other costs for space, utilities, maintenance, administrative support, etc.) None

What is(are) the sources of College Funding? No money is requested from N

What continuing cost obligations does Granting Agency require/expect? None

What Continuing cost obligations does the College intend/see likely? None

Business Officer Review by: *Sharon K. Holt* Date: 4/30/2020

Programmatic Review by: _____ Date: _____

Presidential Review by: *Elaine C. Collins* Date: 4/30/20

**Attachment 6:
Vermont Technical College's Small Business
Development Corporation (SBDC) Grant documents**

Vermont State Colleges Grant Proposal Budget Analysis

Form A & B

College: Vermont State Colleges / Vermont Technical College

Grant Title: CARES Act, Award # SBAHQ20C0046

Grant Agency: U.S. Small Business Administration (SBA)

Project Director: Linda Rossi, VtSBDC State Director

Purpose of Grant: Provide education, training, and business advising to small businesses that have experienced experienced supply chanin disruptions, staffing challenges, and a decrease in gross receipts and customers, or a closure.

Grant Period: 04.01.2020 to 03.31.2021

Review Period: xx Multi-Yr** / Cumulative Grant Amt: _____
 **(please enter number of years covered)

Proposed Funding	1st Yr		2nd Yr		3rd Yr	
	Grant	College	Grant	College	Grant	College
Direct Costs						
Salaries & Wages	\$ 498,013.00					
Employee Benefits	\$ 273,557.00					
Operations	\$ 361,180.00					
Travel	\$ 37,250.00					
Equipment						
Library Acquisitions						
Other:	\$ 110,000.00					
Total Direct	\$ 1,280,000.00	\$ -	\$ -	\$ -	\$ -	\$ -
Indirect Costs*						
Total Budget	\$ 1,280,000.00	\$ -	\$ -	\$ -	\$ -	\$ -

*(In-Kind & Other costs for space, utilities, maintenance, administrative support, etc.)

What is(are) the sources of College Funding? N/A

What continuing cost obligations does Granting Agency require/expect? N/A

What Continuing cost obligations does the College intend/see likely? N/A

Business Officer Review by: _____ Date: _____

Programmatic Review by: Linda J. Rossi Date: 4/30/20

Presidential Review by: _____ Date: _____

Full required documentation is being submitted, including all appropriate assurances regarding Civil Rights, People with Disabilities, Sex Discrimination, Human Subjects, Laboratory Animals, etc.

**Attachment 7:
Resolution 2020-005,
Annual Banking and Investment Resolution**

Annual Banking and Investment Resolution

The Vermont State Colleges System's Banking and Investment Resolution prescribes what financial activities are empowered to the Chancellor and/or Chief Financial Officer on behalf of the System, and what are empowered to the Presidents and/or Deans of Administration on behalf of the individual Institutions. Financial institutions with which we deal desire to see such a document endorsed periodically by the Trustees, to assure the Board is currently comfortable with its implications. To accommodate this desire, now presented for review and approval is the following resolution, which is unchanged from the one passed by the Board last year.

While resolution wording is in necessary legal language, essentially it: (a) empowers the Chancellor and/or Chief Financial Officer to establish bank or other accounts for System operations as well as System cash management and investment activities; to secure financing consistent with applicable Board or legislative authority; to pledge collateral as may be necessary for certain financing; and to handle virtually all other aspects relevant to financial matters of the System; and (b) empowers Institution Presidents and/or Deans of Administration to administer bank or other accounts for respective Institution operations as well as Institution cash management activities.

VERMONT STATE COLLEGES SYSTEMBOARD OF TRUSTEESRESOLUTION 2020-005Banking and Investment

- WHEREAS, The conduct of the business affairs of the Vermont State Colleges System and each of its constituent member Institutions requires the establishment of banking relations and investment of funds; and
- WHEREAS, The selected officials of the System should be empowered to conduct banking and investment affairs in keeping with the organization of System; and
- WHEREAS, The term “bank” throughout this resolution also refers to credit unions and other depository or lending institutions that are licensed by the state of Vermont or the federal government; therefore, be it
- RESOLVED, That the Chancellor and/or Chief Financial Officer are authorized to do the following:
1. Establish accounts with banks and authorized brokers/dealers (safekeeping, trust, checking, savings, money market, time or demand deposit) through which to transact the cash management and investment business of the System, and delegate authority for initiation of related wire transfers;
 2. Borrow money and obtain credit from banks, authorized brokers/dealers, or other lending agencies in conformity with Board of Trustees approved budgets: and execute and deliver notes, draft acceptances, instruments of guaranty, and any other legal obligations of System, therefore, in form satisfactory to the lending agency;
 3. Pledge or assign and deliver, as security for money borrowed or credit obtained, stocks, bonds, bills receivable, accounts, mortgages, merchandise, bills of lading or other shipping documents, warehouse receipts, insurance policies, certificates and any other property held by, or belonging to, this corporation, with full authority to endorse, assign,

transfer or guarantee the same in the name of this corporation, except as restricted by Vermont Statute;

4. Discount any bills receivable or any paper held by this corporation, with full authority to endorse the same in the name of this corporation;
5. Withdraw from banks or authorized brokers/dealers and give receipt for, or authorize banks or authorized brokers/dealers to deliver to bearer or to one or more designated persons, all or any documents and securities or other property held by it, whether held as collateral security or for safekeeping or for any other purpose;
6. Invest funds of System in legal investments as established by Board of Trustees policy;
7. Sell or authorize and request banks, or authorized brokers/dealers to purchase or sell, for the account of this corporation, foreign exchange, stocks, bonds, and other securities;
8. Apply for and receive letters of credit, and execute and deliver all necessary or proper documents for that purpose;
9. Execute and deliver all instruments and documents required in connection with any of the foregoing matters, and to affix the seal of this corporation; and, be it further

RESOLVED,

That the President, Dean of Administration, Chief Budget and Finance Officer or designee of each Institution of the System (Community College of Vermont, Castleton University, Northern Vermont University, Johnson State College, Lyndon State College, and Vermont Technical College) are authorized to do the following:

1. Administer bank or accounts (safekeeping, trust, checking, savings, money market, time or demand deposit) through which to transact the banking business of the Institution in which they are officers.

Approved: June 18, 2020

J. Churchill Hindes, Chair of the Board of Trustees

**Attachment 8:
Resolution 2020-006,
Waiver of Policy 410**

VERMONT STATE COLLEGES SYSTEM

BOARD OF TRUSTEES

RESOLUTION 2020-006

Waiver of Policy 410, Financial Aid and Other Financial Awards for Fiscal Year 2020

- WHEREAS, Policy 410 limits overall financial aid to 5% of general operating budgets; and requires both that no more than 50% of an Institution’s institutional aid be allocated to non-residents, and no more than 50% of financial aid be non-need-based; and
- WHEREAS, Several Institutions are not anticipated to meet these limitations as of June 30, 2020; and
- WHEREAS, Since the last revision to Policy 410 on January 29, 1999, tuition discounting practices have changed considerably, and explicit limitations on both overall aid and the allocation of aid can be counterproductive to providing the lowest overall cost to Vermont residents; and
- WHEREAS, As a result of the disruptions created by the global coronavirus pandemic (COVID-19), the System was unable to propose a satisfactory amendment updating Policy 410 during fiscal year 2020; and
- WHEREAS, COVID-19 is anticipated to have an unprecedented and as yet unquantifiable impact on tuition discounting practices going forward; and
- WHEREAS, The Chancellor, in consultation with the Institutions’ Presidents, intends to provide an update on tuition discounting practices and, if able, to propose an amendment updating Policy 410 for the Board’s consideration during fiscal year 2021; therefore, be it
- RESOLVED, That Policy 410, Financial Aid and Other Financial Awards, is hereby waived for fiscal year 2020.

Approved: June 18, 2020

J. Churchill Hindes, Chair of the Board of Trustees

**Attachment 9:
Resolution 2020-007,
Waiver of Policy 433**

VERMONT STATE COLLEGES SYSTEM

BOARD OF TRUSTEES

RESOLUTION 2020-007

Waiver of Level or Declining Debt Service Requirement of
Policy 433, Debt Management Policy

- WHEREAS, Policy 433 states that “debt principal shall amortize such that annual debt service on a total portfolio basis shall be level or declining over time, and not increasing;” and
- WHEREAS, At its meeting on June 21, 2018, in consideration of the fact that the System’s debt service profile would not meet this requirement following the 2017 restructuring of the System’s 2005, 2008 and 2009 loans, the Board of Trustees waived this requirement until the beginning of fiscal year 2022; and
- WHEREAS, To better enable investment in improvements, the System opted to concentrate the savings from the February 2020 refinancing of the System’s 2010 Series B bond issue upfront during fiscal years 2021 through 2024, as opposed to over the full term of the bonds through fiscal year 2041, by deferring principal repayments for the first four fiscal years; and
- WHEREAS, This principal deferral has caused the System’s maximum annual debt service to occur in fiscal year 2025; therefore, be it
- RESOLVED, That the provision of Policy 433, Debt Management Policy, requiring level or declining total portfolio debt service is hereby waived until the beginning of fiscal year 2025.

Approved: June 18, 2020

J. Churchill Hinds, Chair of the Board of Trustees

**Attachment 10:
Resolution 2020-008, Approval of the
FY2021 Transitional System First Quarter Budget**

VERMONT STATE COLLEGES SYSTEM

BOARD OF TRUSTEES

RESOLUTION 2020-008

FY2021 Vermont State Colleges System Transitional First Quarter Budget

WHEREAS, Vermont State Colleges System Policy 403, System Annual Operating Budget, “prescribes the development, adoption, and subsequent administration of the Annual Operating Budget for the System;” and

WHEREAS, The global coronavirus pandemic (COVID-19) has disrupted and delayed the standard budget development process; and

WHEREAS, COVID-19 similarly has disrupted budgetary processes nationally, and both the State of Vermont and the University of Vermont have in response adopted budgets for their respective first fiscal quarters; therefore, be it

RESOLVED, That, for the sole purpose of providing spending authority after June 30, and notwithstanding any provisions of VSCS Policy 403 to the contrary, the Board of Trustees of the Vermont State Colleges System hereby approves a FY2021 Transitional First Quarter Budget of \$45.5 million for the period from July 1 through September 30, 2020, which amount represents 25% of the total expenses in the “Best/Middle Likely” scenario on page 7 of the State Treasurer’s report; and be it further

RESOLVED, That the Chancellor and Presidents intend to develop a full year FY2021 System Annual Operating Budget, which shall supersede the Transitional First Quarter Budget, to present to the Board for approval at its meeting in September.

Approved: June 18, 2020

J. Churchill Hindes, Chair of the Board of Trustees



NorthernVermont.edu

Office of the President

February 5, 2020

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

Dear Chancellor Spaulding:

It is with great pleasure that I write this letter of nomination for Dr. Gregory Petrics in support of his candidacy as VSC Faculty Fellow for 2020-2021. I have known Dr. Petrics for approximately five of the nine years that he has served as a faculty member at Northern Vermont University-Johnson.

Student evaluations consistently depict Dr. Petrics as a gifted and passionate teacher who brings his enthusiasm for math, and its application in the real world, into the classroom. Students appreciate that he allows those in the classroom who are more fluent in math to flourish without leaving behind those who struggle more with math. He clearly presents a safe and comfortable classroom environment in which to question and learn.

Dr. Petric's colleagues in the Mathematics Department write the following in support of his work:

Dr. Petrics has a strong record of creating and using technology to support his teaching and enhancing students learning. One of his recent accomplishments includes writing Calculus for People, an introduction to the principles of Calculus I. This resource has already been accessed over 25,000 times this past. He is using feedback from users to improve and expand this resource. His students are currently using the textbook and reporting that they enjoy learning from it.

Dr. Petrics created an interactive lesson on Fermat Points and used it to teach a mini-course at the Governor's Institute of Vermont in June of 2019. He also created an interactive lesson on network optimization and used it to teach a mini-course, Straighten it Out, at the Middlebury Math Teacher's Circle in August 2019.

Should Dr. Petrics receive the VSC Faculty Fellowship, it is his intention to write an additional open source volume of Calculus for the People to support a course on Calculus III or Differential Equations, or both. This semester, while teaching

Differential Equations, he has written two draft sections. One is on the Runge-Kutta numerical method and the other is on Simple Pendular Motion. He would benefit from some extra time to write additional sections, embed assessment modules, and compile them into a more comprehensive introduction to the principles of Differential Equations.

Regarding his scholarly activity, Dr. Petrics created our new Mathematical Reasoning course for the Mathematics major, as well as a new Geometrical Reasoning course in conjunction with our Education Department. He also introduced a number of Geogebra programs, and as noted above, he has produced some resources and interactive lessons to support math education.

Dr. Petrics has consistently been engaged within the campus community, including serving on the Faculty Evaluation Committee, Curriculum Committee (as chair several times), Quantitative Reasoning Committee, search committee for the NVU Provost (co-chair), on the Chancellor's Faculty Advisory Board, and the NEASC reaccreditation team, to mention a few. Dr. Petrics has also developed and teaches a course for the NVU-Johnson First-Year Experience program, and he lent his expertise to ongoing IR efforts at a time when the collection and use of data was critical to institutional advancement and continued accreditation.

I have no doubt that Dr. Petrics would excel as a VSC Faculty Fellow relative to his desire to write a companion open educational resource (OER) to Calculus for the People (CFP) and improve the portability of the original volume of CFP by releasing OER instructor resources for the Canvas Learning Management System. He has already demonstrated his passion and level of commitment to these endeavors and to the university. If you should require additional information, please do not hesitate to contact me.

Sincerely,



Elaine C. Collins, Ph.D.
President

Enclosure: Dr. Petric's application materials
cc: Yasmine Ziesler, Chief Academic Officer

NorthernVermont.edu

Christopher Aubuchon, PhD., Associate Professor
Julie M. Theoret, PhD., Professor and Chair
NVU-Johnson, Mathematics

December 1, 2019

Dear Provost Atkins:

We would like to nominate Dr. Greg Petrics for the VSC Faculty Fellow award for Spring 2021. Dr. Petrics has a strong record of creating and using technology to support his teaching and enhancing student learning. The VSC Faculty Fellowship will allow him to expand upon the tools he has already created.

One of Dr. Petrics's recent accomplishments includes writing [Calculus for the People](#), an introduction to the principles of Calculus I. This resource has already been accessed over 25,000 times this fall. He is using feedback from users to improve and expand this resource. His students are currently using the textbook and reporting that they enjoy learning from it.

Dr. Petrics created an interactive lesson on [Fermat Points](#) and used it to teach a mini-course at the Governor's Institute of Vermont in June of 2019. He also created an interactive lesson on network optimization and used it to teach a mini-course, [Straighten it Out](#), at the Middlebury Math Teacher's Circle in August 2019.

Should Dr. Petrics receive the VSC Faculty Fellowship, it is his intention to write an additional open source volume of [Calculus for the People](#) to support a course on Calculus III or Differential Equations, or both. This semester, while teaching Differential Equations, he has written two draft sections. One is on the [Runge Kutta numerical method](#) and the other is on [Simple Pendular Motion](#). He would benefit from some extra time to write additional sections, embed assessment modules, and compile them into a more comprehensive introduction to the principles of Differential Equations.

We know Dr. Petrics looks forward to continuing to create free and open-source interactive mathematical resources for people interested in learning mathematics. We urge you to consider naming Dr. Petrics as a VSC Faculty Fellow for 2020-2021.

Sincerely,

A handwritten signature in dark ink that reads 'Christopher Aubuchon'.

Dr. Christopher Aubuchon

A handwritten signature in dark ink that reads 'Dr. Julie M. Theoret'.

Dr. Julie M. Theoret

Vermont State Colleges Faculty Fellowship Proposal – Spring 2021

NAME:

Gregory Petrics, Ph.D.

RANK:

Associate Professor of Mathematics at Northern Vermont University – Johnson (NVU-J)

BACKGROUND:

My professional passion is to make critical topics of the mathematics curriculum more accessible to a wider audience, particularly those individuals who were underserved by a traditional algebra-heavy mathematics curriculum. In pursuit of this passion, during a Spring 2019 sabbatical, I wrote an open educational resource (OER) for *Calculus of a Single Variable*, [Calculus for the People](#) (CFP). The volume utilizes the open source technical computing software, Geogebra, to introduce the core concepts of *Calculus of a Single Variable* in a way that reduces dependence on algebraic pre-requisites, and emphasizes practical utility by leveraging the power of technical computing software.

As of December 6, 2019, I am completing a semester of teaching Calculus 1 to NVU-J students using CFP, and initial responses are positive. Furthermore, the cost to students in my section of Calculus 1 to use the text and the embedded technical computing software, Geogebra, is \$0. Outside the Vermont State Colleges (VSC), the volume has been accessed over 25,000 times.

Revisions are constantly occurring as a result of collaborations with members of the Vermont Mathematics Initiative (VMI) and other members of the mathematics education community both locally and nationally.

I am scheduled to use CFP again for Calculus 1 in Spring 2020, Fall 2020 and Spring 2021, and students will again benefit from a cost of \$0 for both the text and the computing software.

PROPOSAL:

I propose to utilize the course release of a potential VSC Faculty Fellowship to write a companion OER to CFP that covers *Calculus of Several Variables* (the original CFP covers *Calculus of a Single Variable*).

I also propose to improve the portability of the original volume of CFP by releasing OER instructor resources for the Canvas and Moodle Learning Management Systems (LMS). Specifically, I propose to release a package of quiz modules native to both the Canvas

and Moodle LMS for other instructors—both inside and outside the VSC—who wish to use *CFP* in their calculus courses.

A companion volume of *CFP* is a natural extension of *CFP*. I noticed that when I wrote the original volume of *CFP* during my Spring 2019 sabbatical that I was already drafting numerous ideas for later volumes. Indeed, I've already begun drafting several key sections of the companion to *CFP*, and have already begun using them while teaching *Differential Equations* and *Calculus 3* at NVU-J and NVU-L. Examples of work already completed include an introduction to the [Runge-Kutta Four \(RK4\) Numerical Method for Multivariate Differential Equations](#), an application of [RK4 modelling Simple Pendular Motion](#), and an introduction to [multivariate optimization by way of Fermat/Steiner Points of a triangle](#).

I look forward to the potential opportunity to continue work on these OER projects as a VSC Faculty Fellow.

BUDGET:

If I were chosen as a VSC Faculty Fellow, I plan to use the \$500 budget on two expenses:

1. To attend either the 17th or the 18th Open Education Conference in 2020 or 2021.
2. To purchase internet hosting so that the supporting instructor materials for *CFP* and the proposed follow-up to *CFP* have a dedicated website where they are easier to find for other instructors both inside and outside the VSC. (Note: If the VSC can provide the hosting, then this will not be an additional expense.)



Title <p style="text-align: center;">Classroom Recording Policy</p>	Number: <p style="text-align: center;">112</p>	Page: <p style="text-align: center;">1 of 2</p>
	Date: <p style="text-align: center;">6/18/2020</p>	

I. PURPOSE

The purpose of this policy is to define appropriate procedures for capturing, sharing, and protecting classroom recordings. If a student is identified or recognizable in an audio or video recording or image, this recording can be considered part of the student's educational record and is protected by the Family Educational Rights and Privacy Act (FERPA). This policy does not apply to recordings that include only the instructor.

II. SCOPE

This policy applies to students, faculty, and staff at the VSCS.

III. STATEMENT OF POLICY

1. Students shall be informed that they are being recorded and be given a chance to opt out. Students who choose to opt out shall be provided the same educational experience as students willing to be recorded. *See* sample advisory statement in section 6 below.
2. Classroom recordings may be made and/or used by an individual student with approved accommodations for a documented disability in compliance with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and VSCS Policy 311 Nondiscrimination and Prevention of Harassment and Related Unprofessional Conduct.
3. Classroom recordings may be shared only with students enrolled in that class by posting a link to the recording in the Canvas (or current VSCS Learning Management System) site for that course.
4. Faculty shall provide students with guidance about appropriate use of classroom recordings prior to making the recordings available.
5. Faculty, staff, or students who wish to share a classroom recording publicly (e.g., YouTube or another openly accessible website), must obtain written consent from all students in the recording before making the recording publicly available.

6. Classroom recordings may be retained for a maximum of six months, according to the [VSC Records Retention Schedule](#).

IV. REFERENCES

- [Family Educational Rights and Privacy Act \(FERPA\) website](#)
- [VSC Policy 312 Compliance with the Family Educational Rights and Privacy Act \(FERPA\)](#)
- [VSC Policy 209 Records Retention Schedule](#)
- [VSC Policy 311 Nondiscrimination and Prevention of Harrassment and Related Unprofessional Conduct](#)
- [VSC Chancellor’s Procedures for Implementation of Policy 311](#)
- [VSC Policy 502 Computing and Telecommunications Technology Conditions of Use](#)

V. DEFINITIONS

1. “Classroom recordings” means photo images, audio recordings, or video recordings.

VI. SAMPLE CLASSROOM RECORDING ADVISORY STATEMENT

“Meetings of this class may be recorded and recordings made available to students registered for this class via a link in the Canvas course site. These recordings are intended to support student learning in the course and may not be reproduced, shared with those not in the class, or uploaded to other online environments. Students are expected to adhere to all relevant policies for appropriate conduct, including maintaining the security of their VSCS user ID and password per VSCS Policy 502 Computing and Telecommunications Technology Conditions of Use. Any student who does not wish to appear in such a recording should consult with the instructor.”

VII. IMPLEMENTING PROCDURES

The Chancellor may establish and periodically update procedures for implementing this policy.

Signed by: <hr style="width: 80%; margin: 0 auto;"/> Sophie Zdatny, Interim Chancellor

Date	Version	Revision	Approved By
6/18/2020	1.0	Adopted	VSCS Board of Trustees



Title <h2 style="text-align: center;">Classroom Recording Policy</h2>	Number: 667- 112	Page: 1 of 2
	Date: 6/18/2020	

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- [VSC Chancellor's Procedures for Implementation of Policy 311](#)
- [VSC Policy 502 Computing and Telecommunications Technology Conditions of Use](#)

V. DEFINITIONS

~~1. VSCS—Vermont State Colleges System~~

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The Chancellor may establish and periodically update procedures for implementing this policy.

Signed by:

Sophie Zdatny, Interim Chancellor

Date	Version	Revision	Approved By
6/18/2020	1.0	Adopted	VSCS Board of Trustees

DRAFT



Manual of Policies and Procedures

Title Protection of Minors and Mandatory Reporting of Child Abuse and Neglect	Number 316	Page 1 of 6
	Date December 2, 2019	

PURPOSE

This Policy provides guidance to all members of the Vermont State Colleges System (“VSCS”) community on how to protect Minors from abuse, including sexual abuse, and neglect and provides information on mandatory reporting of child abuse and neglect under Vermont law.

SCOPE

This Policy applies to all VSCS community members, including faculty, staff, full-time and part-time employees, students, volunteers, trustees, officers, contractors, third-party vendors, and visitors to VSCS’s Member Institutions. It covers the protection of all Minors present on VSCS property, as well as those participating in VSCS-sponsored programs and activities at locations not owned or controlled by the VSCS.

STATEMENT OF POLICY

Children under the age of 18 years of age are present on VSCS campuses and use VSCS facilities as visitors and community members. They also attend summer camps (including those run by third parties), campus events and programs, and academic classes as dual-enrolled and matriculated students.

Sexual abuse of a Minor by any adult affiliated with the VSCS is prohibited as set forth in VSC Policy 311-A: *Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking*.

This Policy creates an independent duty for all members of the VSCS community who interact with, supervise, chaperone, or otherwise oversee Minors in VSCS-sponsored programs, activities, and/or residential facilities to receive training on the protection of Minors.

This Policy also creates an independent duty for all members of the VSC community, regardless of whether they work directly with Minors, to report internally and immediately suspected cases of sexual abuse of a Minor by any adult affiliated with the VSCS. Failure to report or otherwise follow this Policy will result in disciplinary action being taken, up to and including termination of employment.

In addition, employees who are mandated reporters under Vermont law are legally required to report any suspected child abuse or neglect to Vermont's Department for Children and Families within 24 hours. A copy of the state law is attached at Appendix A.

Retaliation against individuals who report concerns in good faith is a violation of VSC policy and is prohibited.

IMPLEMENTATION

A. Definitions

“Abuse or neglect” – Under Vermont law and under this Policy, an abused or neglected Minor is defined as a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the Minor's welfare. An “abused or neglected child” also means a Minor who is sexually abused or at substantial risk of sexual abuse by any person or a Minor who has died as a result of abuse or neglect.

“Independent duty” means that an individual may not delegate the duty to anyone else.

“Mandated reporter” – Under Vermont law and under this Policy, a mandated reporter is any health-care provider (including nurses and psychologists) and any individual employed by a school district or an approved or recognized independent school (including teachers, guidance counselors, mental health professionals, camp administrators and camp counselors). For a complete list of mandated reporters, see Appendix A (33 V.S.A. § 4913).

“Minor” – An individual under the age of 18.

“Reasonable cause to suspect abuse or neglect of a child” – Under Vermont law and under this Policy, reasonable cause to suspect abuse or neglect of a child means that, based upon an individual's rational observations, professional training or experience, the individual has a suspicion that a child is being abused or maltreated by a parent, guardian, or a caregiver.

“Reasonable suspicion” may be based upon witnessing a single incident, upon what a Minor says, upon what an adult says about a child, upon an explanation of an injury that makes no sense, or upon a combination of warning signs.

“Sexual abuse” – Under Vermont law and under this Policy, sexual abuse consists of any act or acts by any person involving sexual molestation or exploitation of a Minor, including: (a) incest; (b) prostitution; (c) rape; (d) sodomy; (e) lewd and lascivious conduct involving a Minor; (f) aiding, abetting, counseling, hiring, or procuring of a Minor to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a Minor; (g) viewing, possessing, or transmitting child pornography, with the exclusion of the exchange of images between mutually consenting minors, including the minor whose image is exchanged; (h) human trafficking; (i) sexual assault; (j) voyeurism; (k) luring a Minor; and (l) obscenity.

“**Sexual assault**” and “**sexual misconduct**” are defined in VSC Policy 311-A: *Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking*.

B. Reporting Suspected Abuse

Mandated Reporters who have reasonable cause to suspect abuse or neglect of a Minor are legally required to make a report to the Family Services Division (“FSD”) of the Department for Children and Families within 24 hours of the time the mandated reporter received or observed information regarding the suspected abuse or neglect.

To make a report:

Call FSD at 1-800-649-5285 (24 hours a day, 7 days a week).

If a Minor is in immediate danger, dial 9-1-1 or call local law enforcement first.

Then call the above number for FSD to make a report. Calling law enforcement is not the same as reporting to FSD. **Mandated reporters must notify FSD directly.**

Failure to report can result in criminal prosecution and a fine up to \$500.00. Failure to report with the intent to conceal the abuse or neglect can result in imprisonment up to six months and a fine up to \$1,000.00. The VSCS takes any failure to report seriously and will impose discipline up to and including dismissal from an academic program, removal from campus facilities, and termination of employment.

Non-mandated reporters are also encouraged to call the hotline number listed above if they have reasonable cause to suspect abuse, sexual abuse, or neglect of a Minor.

In addition, all members of the VSCS community are required to report any knowledge or reasonable suspicion they may have about sexual abuse perpetrated against a Minor by an adult affiliated with the VSCS internally to a Title IX/Policy 311-A Coordinator, the Institution’s Office of Public Safety, or to General Counsel. The Office of Public Safety shall share any reports it receives with the Title IX/Policy 311-A Coordinator. A list of Title IX/Policy 311-A Coordinators is attached hereto at Appendix C. Failure to report can result in disciplinary action being taken, up to and including dismissal from an academic program, removal from campus facilities, and termination of employment.

Reports should include all information known to the individual making the report, such as the names and ages of those involved, contact information for those involved and any witnesses, details of the incident(s) being reported, including the date, time, location, and any other relevant details known to the reporting party.

Exclusion: The duty to report to a VSCS Title IX/Policy 311-A Coordinator or Public Safety does not apply to health-care providers employed by the VSCS, who are Mandated Reporters under state law in connection with providing clinical care to patients, if a report would breach a patient’s legal rights to confidentiality.

C. Handling Internal Reports of Sexual Abuse

Title IX/Policy 311-A Coordinators are responsible for reviewing reports of sexual abuse to look for trends or patterns, including serial perpetrators.

Title IX/Policy 311-A Coordinators shall promptly report the alleged sexual abuse to the Department for Children and Families, if legally required to do so, as well as to the Minor's parents or guardians, and to General Counsel, and shall maintain records showing when such reports were made. The Office of General Counsel shall be responsible for reporting incidents of alleged sexual abuse in violation of this Policy to VSCS's insurance carriers, as necessary.

Investigations of sexual abuse of a Minor reported under this Policy shall be carried out consistent with the procedures set forth in the *Chancellor's Procedures for Implementation of Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault and Stalking*, or any revision to such policy or procedures. If a provision of such procedures is inconsistent with the purpose of this Policy, General Counsel may waive or amend such provision, on a case by case basis, for good cause.

In addition to the above reporting requirements, all internal reports of sexual abuse by one perpetrator against multiple Minors shall be promptly reported by the Title IX/Policy 311-A Coordinator or General Counsel to the President, Chancellor and Chair of the Board of Trustees and, if the report involves an employee, to the applicable Director of Human Resources.

D. Training

Any member of the VSCS community who interacts with, supervises, chaperones, or otherwise oversees Minors in VSCS-sponsored programs, activities, and/or residential facilities is required to receive training. The training will include information on how to recognize suspicious behavior by perpetrators, possible signs and indicators of abuse, how to interact appropriately with Minors, how best to prevent potential abuse, and how to report suspected abuse and neglect. Online trainings are available and will be assigned by the Member Institution's Director of Human Resources, upon request from the individual or the individual's supervisor. Resources and training materials are provided in Appendix B and shall be updated by the Chancellor as necessary.

Any third-party contractor whose employees have unsupervised access to Minors on VSCS property or through VSCS-sponsored programs or activities at locations not owned or controlled by the VSCS shall provide training to its employees (including volunteers and subcontractors) on the VSCS's prohibition on sexual abuse of Minors and VSCS's reporting requirements. Contractors shall provide written confirmation that training has occurred and include the names and job titles of those trained to the VSCS program director or the Member Institution's Dean of Administration. The program director or Dean of Administration shall provide the written confirmation to the Title IX/Policy 311 Coordinator for record-keeping.

E. Background Checks

Pursuant to VSCS Policy 208: *Criminal Background Checks*, criminal background checks are required on all new full-time employees and certain part-time employees to protect vulnerable persons and others who work for, enroll in, or attend programs through the VSCS. To the extent permitted by law, criminal background checks shall be conducted on all persons to whom an offer of full-time employment has been made. In addition, criminal background checks shall be conducted on all persons, including student employees, to whom an offer of part-time employment has been made where the terms and conditions of employment contemplate regular access to residence halls, day care centers, and other programs or facilities where Minors are known to congregate. When there is insufficient time in which to obtain a fingerprint supported background check, the Member Institutions are permitted to use an online service to perform an expedited background check, without fingerprints, at the Institution's expense, when such time-sensitive background checks need to be performed on persons, such as camp counselors and volunteers, who either work directly with Minors or who will be working in areas around Minors or in activities involving Minors. See VSC Policy 208; *Criminal Background Checks* for additional information.

F. Chancellor

The Chancellor shall update the appendices to this Policy as necessary.

RELEVANT LEGAL AUTHORITIES

- 20 U.S.C. § 1681 *et seq.* – Title IX of the Higher Education Amendments of 1972
- 34 C.F.R. Part 106 – Title IX Regulations
- 20 U.S.C. § 1092(f) – Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 485(f) of the Higher Education Act of 1965 (as amended)
- 34 C.F.R. § 668.46 – Clery Act regulations
- 33 V.S.A. § 4911 *et seq.* – Child Welfare Services - Reporting Abuse of Children (see Appendix A)

CROSS-REFERENCE

- VSC Policy 208: *Criminal Background Checks*
- VSC Policy 211: *Whistleblower Policy for Reporting Fraudulent, Illegal or Improper Activities*
- *Chancellor's Procedures for Implementation of Policy 211: Whistleblower Policy for Reporting Fraudulent, Illegal or Improper Activities*
- VSC Policy 311-A: *Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking*
- *Chancellor's Procedures for Implementation of Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault and Stalking*

ADDITIONAL RESOURCES

- Appendix B for a list of training resources and other educational materials.
- VSCS’s RESOLVE website at <https://resolve.vsc.edu/> for current resource information.


RESPONSIBLE OFFICES AND OFFICERS

- Appendix C for a list of Title IX/Policy 311-A Coordinators, Directors of Vermont’s Special Investigative Units, and other related hotlines and helplines.
- VSCS’s RESOLVE website at <https://resolve.vsc.edu/> for current contact information.

GUIDELINES FOR INTERACTING WITH MINORS

- See Appendix D.

Signed by:



Jeb Spaulding, Chancellor

Date	Version	Revision	Approved By
12/2/2019	1.0	Adopted	VSCS Board of Trustees

**Appendix A to VSC Policy 316:
Protection of Minors and Mandatory Reporting of Child Abuse and Neglect**

Title 33: Human Services**Chapter 49: Child Welfare Services****Sub-chapter 2: Reporting Abuse of Children****§ 4911. Purpose**

The purpose of this subchapter is to:

- (1) protect children whose health and welfare may be adversely affected through abuse or neglect;
- (2) strengthen the family and make the home safe for children whenever possible by enhancing the parental capacity for good child care;
- (3) provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes require the reporting of suspected child abuse and neglect, an assessment or investigation of such reports and provision of services, when needed, to such child and family;
- (4) establish a range of responses to child abuse and neglect that take into account different degrees of child abuse or neglect and which recognize that child offenders should be treated differently from adults; and
- (5) establish a tiered child protection registry that balances the need to protect children and the potential employment consequences of a registry record for persons who are substantiated for child abuse and neglect.

(Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 2007, No. 168 (Adj. Sess.), § 1.)

§ 4912. Definitions

As used in this subchapter:

- (1) "Abused or neglected child" means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. An "abused or neglected child"

also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.

(2) "Assessment" means a response to a report of child abuse or neglect that focuses on the identification of the strengths and support needs of the child and the family and any services they may require to improve or restore their well-being and to reduce the risk of future harm. The child and family assessment does not result in a formal determination as to whether the reported abuse or neglect has occurred.

(3) "Child" means an individual under the age of majority.

(4) "Child Protection Registry" means a record of all investigations that have resulted in a substantiated report on or after January 1, 1992.

(5) "Emotional maltreatment" means a pattern of malicious behavior which results in impaired psychological growth and development.

(6) "Harm" can occur by:

(A) Physical injury or emotional maltreatment.

(B) Failure to supply the child with adequate food, clothing, shelter, or health care. As used in this subchapter, "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under State law. Notwithstanding that a child might be found to be without proper parental care under chapters 51 and 53 of this title, a parent or other person responsible for a child's care legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone.

(C) Abandonment of the child.

(7) "Investigation" means a response to a report of child abuse or neglect that begins with the systematic gathering of information to determine whether the abuse or neglect has occurred and, if so, the appropriate response. An investigation shall result in a formal determination as to whether the reported abuse or neglect has occurred.

(8) "Member of the clergy" means a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, or person performing official duties on behalf of a church or religious body that are recognized as the

duties of a priest, rabbi, clergy, nun, brother, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner.

(9) "Multidisciplinary team" means a group of professionals, paraprofessionals, and other appropriate individuals impaneled by the Commissioner under this chapter for the purpose of assisting in the identification and review of cases of child abuse and neglect, coordinating treatment services for abused and neglected children and their families, and promoting child abuse prevention.

(10) "Person responsible for a child's welfare" includes the child's parent, guardian, foster parent, any other adult residing in the child's home who serves in a parental role, an employee of a public or private residential home, institution, or agency, or other person responsible for the child's welfare while in a residential, educational, or child care setting, including any staff person.

(11) "Physical injury" means death or permanent or temporary disfigurement or impairment of any bodily organ or function by other than accidental means.

(12) "Redacted investigation file" means the intake report, the investigation activities summary, and case determination report that are amended in accordance with confidentiality requirements set forth in section 4913 of this title.

(13) "Registry record" means an entry in the Child Protection Registry that consists of the name of an individual substantiated for child abuse or neglect, the date of the finding, the nature of the finding, and at least one other personal identifier, other than a name, listed in order to avoid the possibility of misidentification.

(14) "Risk of harm" means a significant danger that a child will suffer serious harm by other than accidental means, which harm would be likely to cause physical injury, or sexual abuse, including as the result of:

(A) a single, egregious act that has caused the child to be at significant risk of serious physical injury;

(B) the production or preproduction of methamphetamines when a child is actually present;

(C) failing to provide supervision or care appropriate for the child's age or development and, as a result, the child is at significant risk of serious physical injury;

(D) failing to provide supervision or care appropriate for the child's age or development due to use of illegal substances, or misuse of prescription drugs or alcohol;

(E) failing to supervise appropriately a child in a situation in which drugs, alcohol, or drug paraphernalia are accessible to the child; and

(F) a registered sex offender or person substantiated for sexually abusing a child residing with or spending unsupervised time with a child.

(15) "Sexual abuse" consists of any act or acts by any person involving sexual molestation or exploitation of a child, including:

(A) incest;

(B) prostitution;

(C) rape;

(D) sodomy;

(E) lewd and lascivious conduct involving a child;

(F) aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child;

(G) viewing, possessing, or transmitting child pornography, with the exclusion of the exchange of images between mutually consenting minors, including the minor whose image is exchanged;

(H) human trafficking;

(I) sexual assault;

(J) voyeurism;

(K) luring a child; or

(L) obscenity.

(16) "Substantiated report" means that the Commissioner or the Commissioner's designee has determined after investigation that a report is based upon accurate and reliable information that would lead a reasonable person to believe that the child has been abused or neglected.

(17) "Serious physical injury" means, by other than accidental means:

(A) physical injury that creates any of the following:

- (i) a substantial risk of death;
- (ii) a substantial loss or impairment of the function of any bodily member or organ;
- (iii) a substantial impairment of health; or
- (iv) substantial disfigurement; or

(B) strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

(Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1985, No. 211 (Adj. Sess.), §§ 1, 2; 1989, No. 295 (Adj. Sess.), §§ 1, 2; 1991, No. 141 (Adj. Sess.), § 1; 1995, No. 145 (Adj. Sess.), § 5; 2001, No. 135 (Adj. Sess.), § 15, eff. June 13, 2002; 2003, No. 43, § 2, eff. May 27, 2003; 2003, No. 66, § 136a; 2007, No. 77, § 1, eff. June 7, 2007; 2007, No. 168 (Adj. Sess.), § 2; 2007, No. 172 (Adj. Sess.), § 18; 2013, No. 131 (Adj. Sess.), § 76, eff. May 20, 2014; 2015, No. 60, § 3.)

§ 4913. Reporting child abuse and neglect; remedial action

(a) A mandated reporter is any:

(1) health care provider, including any:

- (A) physician, surgeon, osteopath, chiropractor, or physician assistant licensed, certified, or registered under the provisions of Title 26;
- (B) resident physician;
- (C) intern;

- (D) hospital administrator in any hospital in this State;
 - (E) registered nurse;
 - (F) licensed practical nurse;
 - (G) medical examiner;
 - (H) emergency medical personnel as defined in 24 V.S.A. § 2651(6);
 - (I) dentist;
 - (J) psychologist; and
 - (K) pharmacist;
- (2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including any:
- (A) school superintendent;
 - (B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;
 - (C) school teacher;
 - (D) student teacher;
 - (E) school librarian;
 - (F) school principal; and
 - (G) school guidance counselor;
- (3) child care worker;
- (4) mental health professional;

- (5) social worker;
- (6) probation officer;
- (7) employee, contractor, and grantee of the Agency of Human Services who have contact with clients;
- (8) police officer;
- (9) camp owner;
- (10) camp administrator;
- (11) camp counselor; or
- (12) member of the clergy.

(b) As used in subsection (a) of this section, "camp" includes any residential or nonresidential recreational program.

(c) Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed.

(d)

(1) The Commissioner shall inform the person who made the report under subsection (a) of this section:

(A) whether the report was accepted as a valid allegation of abuse or neglect;

(B) whether an assessment was conducted and, if so, whether a need for services was found; and

(C) whether an investigation was conducted and, if so, whether it resulted in a substantiation.

(2) Upon request, the Commissioner shall provide relevant information contained in the case records concerning a person's report to a person who:

(A) made the report under subsection (a) of this section; and

(B) is engaged in an ongoing working relationship with the child or family who is the subject of the report.

(3) Any information disclosed under subdivision (2) of this subsection shall not be disseminated by the mandated reporter requesting the information. A person who intentionally violates the confidentiality provisions of this section shall be fined not more than \$2,000.00.

(4) In providing information under subdivision (2) of this subsection, the Department may withhold:

(A) information that could compromise the safety of the reporter or the child or family who is the subject of the report; or

(B) specific details that could cause the child to experience significant mental or emotional stress.

(e) Any other concerned person not listed in subsection (a) of this section who has reasonable cause to believe that any child has been abused or neglected may report or cause a report to be made in accordance with the provisions of section 4914 of this title.

(f)

(1) Any person other than a person suspected of child abuse, who in good faith makes a report to the Department shall be immune from any civil or criminal liability which might otherwise be incurred or imposed as a result of making a report.

(2) An employer or supervisor shall not discharge; demote; transfer; reduce pay, benefits, or work privileges; prepare a negative work performance evaluation; or take any other action detrimental to any employee because that employee filed a good faith report in accordance with the provisions of this subchapter. Any person making a report under this subchapter shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the reporting party by reason of his or her making a report.

(g) The name of and any identifying information about either the person making the report or any person mentioned in the report shall be confidential unless:

(1) the person making the report specifically allows disclosure;

- (2) a Human Services Board proceeding or a judicial proceeding results therefrom;
 - (3) a court, after a hearing, finds probable cause to believe that the report was not made in good faith and orders the Department to make the name of the reporter available; or
 - (4) a review has been requested pursuant to section 4916a of this title, and the Department has determined that identifying information can be provided without compromising the safety of the reporter or the persons mentioned in the report.
- (h)
- (1) A person who violates subsection (c) of this section shall be fined not more than \$500.00.
 - (2) A person who violates subsection (c) of this section with the intent to conceal abuse or neglect of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.
 - (3) This section shall not be construed to prohibit a prosecution under any other provision of law.
- (i) Except as provided in subsection (j) of this section, a person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.
- (j) A member of the clergy shall not be required to make a report under this section if the report would be based upon information received in a communication which is:
- (1) made to a member of the clergy acting in his or her capacity as spiritual advisor;
 - (2) intended by the parties to be confidential at the time the communication is made;
 - (3) intended by the communicant to be an act of contrition or a matter of conscience; and
 - (4) required to be confidential by religious law, doctrine, or tenet.
- (k) When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described in subsection (j) of this section, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described in subsection (j) of this section.

(Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1983, No. 169 (Adj. Sess.), § 1; 1985, No. 208 (Adj. Sess.), § 19, eff. June 30, 1986; 1989, No. 295 (Adj. Sess.), § 3; 1993, No. 156 (Adj. Sess.), § 1; 2003, No. 43, § 3, eff. May 27, 2003; 2005, No. 101 (Adj. Sess.), § 2; 2007, No. 77, § 1, eff. June 7, 2007; 2007, No. 168 (Adj. Sess.), § 3, eff. Jan. 1, 2009; 2007, No. 172 (Adj. Sess.), § 19; 2009, No. 1, § 45; 2011, No. 156 (Adj. Sess.), § 28, eff. May 16, 2012; 2011, No. 159 (Adj. Sess.), § 7; 2015, No. 60, § 4.)

§ 4914. Nature and content of report; to whom made

A report shall be made orally or in writing to the Commissioner or designee. The Commissioner or designee shall request the reporter to follow the oral report with a written report, unless the reporter is anonymous. Reports shall contain the name and address or other contact information of the reporter as well as the names and addresses of the child and the parents or other persons responsible for the child's care, if known; the age of the child; the nature and extent of the child's injuries together with any evidence of previous abuse and neglect of the child or the child's siblings; and any other information that might be helpful in establishing the cause of the injuries or reasons for the neglect as well as in protecting the child and assisting the family. If a report of child abuse or neglect involves the acts or omissions of the Commissioner or employees of the Department, then the report shall be directed to the Secretary of Human Services who shall cause the report to be investigated by other appropriate Agency staff. If the report is substantiated, services shall be offered to the child and to his or her family or caretaker according to the requirements of section 4915b of this title.

(Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1989, No. 187 (Adj. Sess.), § 5; 1989, No. 295 (Adj. Sess.), § 4; 1995, No. 174 (Adj. Sess.), § 3; 2005, No. 174 (Adj. Sess.), § 120; 2007, No. 77, § 1, eff. June 1, 2007; 2007, No. 168 (Adj. Sess.), § 4; 2015, No. 60, § 4a.)

Appendix B to VSC Policy 316: Protection of Minors and Mandatory Reporting of Child Abuse and Neglect

Training Materials

Contact your Director of Human Resources to request assignments of the following available course modules to oneself or to employees under your supervision:

1. United Educators:

Two online courses on protecting children

1. Identifying and Reporting Sexual Misconduct
2. Hiring Staff who Work with Minors (30 mins)

2. EverFi

Online course module Protecting Youth: Abuse and Neglect Prevention; recognizing the signs of child abuse and neglect and understanding reporting requirements

Available Resources

1. **Shine a Light** – video designed to educate higher education employees who do not usually work with children and teens (9:28 mins)

<https://players.brightcove.net/pages/v1/index.html?accountId=167703361001&playerId=default&videoId=4286060740001&autoplay=true>

2. **Vermont Department of Children and Families (DCF)**

- Online training for mandated reporters: <https://dcf.vermont.gov/dcf-blog/online-training-mandated-reporters-now-available>
- DCF Educate Yourself website: <https://dcf.vermont.gov/prevention/stepup/educate>
- Guide for parents, care-takers, friends and relatives on how to protect children from sexual abuse: <https://dcf.vermont.gov/sites/dcf/files/Prevention/docs/STEPUP-Parent-Guide.pdf>
- Reporting Child Abuse in Vermont - <https://dcf.vermont.gov/protection/reporting>
- Mandated Reporters - <https://dcf.vermont.gov/protection/reporting/mandated/reporters>

**Appendix C to VSC Policy 316:
Protection of Minors and Mandatory Reporting of Child Abuse and Neglect**

CONTACTS

VSCS TITLE IX/POLICY 311-A COORDINATORS

Office of the Chancellor: **Nancy Shaw**, Title IX Coordinator
Director of Human Resources
575 Stone Cutters Way, Montpelier, VT 05602
Nancy.Shaw@vsc.edu
(802) 224-3011

Castleton University: **Janet Hazelton**, Title IX Coordinator
Director of Human Resources
Woodruff Hall, 62 Alumni Drive, Castleton, VT 05735
Janet.Hazelton@castleton.edu
(802) 468-1207

Victoria Angis, Deputy Title IX Coordinator (Students)
Associate Dean of Students
Campus Center, Room 162, 49 University Drive,
Castleton, VT 05735
Victoria.Angis@castleton.edu
(802) 468-1231

Deanna Tyson, Deputy Title IX Coordinator (Athletics)
Associate Dean for Athletics and Recreation
Spartan Athletic Complex, Room 186, 190 University
Drive, Castleton, VT 05735
Deanna.Tyson@castleton.edu
(802) 468-1365

Community College of Vermont: **Angela Albeck**, Title IX Coordinator and Equity Officer*
Associate Dean of Students
1 Abenaki Way, Winooski, VT 05404
Angela.Albeck@ccv.edu
(802) 654-0690

Robert “Bo” Finnegan, Deputy Title IX Coordinator
Director of Human Resources
660 Elm Street, Montpelier, VT 05602
Robert.Finnegan@ccv.edu
(802) 828-2816

*Designated contact persons for each CCV region are listed [here](#).

Northern Vermont University: **Michele Whitmore**, Title IX Coordinator
Associate Dean of Students
Dewey Hall, 337 College Hill, Johnson, VT 05656
Michele.Whitmore@NorthernVermont.edu
(802) 635-1452

Denise Bourbeau-Moses, Deputy Title IX Coordinator
(Students)
Coordinator of Academic Success
LAC, Room 325
1001 College Road, Lyndonville, VT 05851
Denise.Moses@NorthernVermont.edu
(802) 626-6424

Katrina Meigs, Deputy Title IX Coordinator (Employees)
Director of Human Resources
Vail, Room 365
1001 College Road, Lyndonville, VT 05851
Katrina.Meigs@NorthernVermont.edu
(802) 626-4865

Vermont Technical College: **Mary Kathryn Juskiewicz**, Title IX Coordinator
Director of Residence Life
Room 122B, Office of Student Affairs
124 Admin Drive, Randolph Center, VT 05061
MJuskiew@vtc.vsc.edu
(802) 728-1673

CONTACT INFORMATION FOR VERMONT’S SPECIAL INVESTIGATION UNITS

<p><u>Addison County</u> Addison County Unit for Special Investigations Fred Saar Executive Director 35 Court Street Middlebury, VT 05753 (802) 274-5724 Fred.Saar@partner.vermont.gov</p>	<p><u>Bennington County</u> Bennington County Child Advocacy Center/ SIU Joy Kitchell Executive Director P.O. Box 163 129 Elm Street Bennington VT 05201 (802) 442-5107 Joy.Kitchell@partner.vermont.gov</p>	<p><u>Caledonia and Southern Essex Counties</u> Caledonia Children’s Advocacy Center/SIU Christopher St. Cyr Executive Director PO Box 272 Saint Johnsbury, VT 05819 (802) 424-1227 Christopher.StCyr@partner.vermont.gov</p>
<p><u>Chittenden County</u> Chittenden Children’s Advocacy Center/CUSI Veronica Rathgeb Executive Director 50 Cherry Street, Suite 102 Burlington, VT 05401 (802) 652-0991 vrathgeb@bpdvt.org</p>	<p><u>Franklin & Grand Isle Counties</u> Northwest Unit for Special Investigations NUSI/CAC Robert White Executive Director 5 Lemnah Drive St. Albans, VT 05478 (802) 524-7961 Robert.White@vermont.gov</p>	<p><u>Lamoille County</u> Lamoille County Special Investigation Unit/CAC Tracy Patnoe Executive Director P.O. Box 16 Hyde Park, VT 05655 (802)-851-8116 tpatnoe@lamoillesiu.org</p>
<p><u>Orange County</u> Orange County SIU/CAC Ferron Wambold Executive Director 354 VT Route 110 PO Box 254 Chelsea, VT 05038 (802) 685-4712 fwambold@orangecountysherriff.com</p>	<p><u>Orleans & Northern Essex Co.</u> The Orleans County Child Advocacy Center/SIU Dawn Kelly, Executive Director 55 Seymour Lane, Suite 2 PO Box 1133 Newport, VT 05855 (802) 334-6002 Dawn.kelly@partner.vermont.gov</p>	<p><u>Rutland County</u> Child First Advocacy Center/ Rutland Unit for Special Inv. Wendy Loomis, Exec. Dir. 80 West Street P.O. Box 6822 Rutland, VT 05702 (802) 747-0200 Wendy.Loomis@partner.vermont.gov</p>
<p><u>Washington County</u> OUR House of Central Vermont, Inc. CAC/SIU Rebecca Duranleau Executive Director 38 Summer Street Barre, Vermont 05641 (802) 476-8825 ourhousebarredirector@gmail.com</p>	<p><u>Windham County</u> Windham County Safe Place CAC/ SUSI Alyssa Todd Executive Director 112 Hardwood Way Brattleboro, VT 05301 (802) 579-1358 Alyssa.todd@partner.vermont.gov</p>	<p><u>Windsor County</u> The CACs of the Family Place/ Windsor County SIU Julie Gaudette, Director 319 US Route 5, South Norwich, VT 05055 (802) 295-3882 julie@the-family-place.org</p>

HELPLINES AND HOTLINES

Mandated Reporters are legally required to make a report to the Family Services Division of the Department of Children and Families within 24 hours of the time you first receive or observe information that causes you to reasonably suspect child abuse or neglect.

Call 1-800-649-5285 (24 hours a day, 7 days a week).

If a child is in immediate danger, dial 911 or call your local police first.

Then call the above number to make a report. Calling law enforcement is not the same as reporting to Family Services Division. Mandated reporters must notify FSD directly.

Domestic Violence Hotline – 1-800-228-7395

Sexual Violence Hotline – 1-800-489-7273

Vermont Center for Crime Victim Services – 1-800-750-1213 or (802) 241-1250 or www.ccvv.state.vt.us

WHISTLEBLOWER HOTLINE

Go to [EthicsPoint](https://www.vsc.edu/ethicspoint) to report illegal and unethical conduct online

OR

Dial toll-free, within the United States, and Canada: 866-215-4016

See also <https://www.vsc.edu/board-of-trustees/policies-procedures/personnel-policies/> for the following:

- *VSC Policy 211: Whistleblower Policy for Reporting Fraudulent, Illegal or Improper Activities*
- *Chancellor's Procedures for Implementation of Policy 211: Whistleblower Policy for Reporting Fraudulent, Illegal or Improper Activities*
- *Questions and Answers on EthicsPoint*

**Appendix D to VSC Policy 316:
Protection of Minors and Mandatory Reporting of Child Abuse and Neglect**

GUIDELINES FOR INTERACTING WITH MINORS

Be Mindful of Boundaries: Children can be vulnerable. When interacting with Minors, be particularly aware of the importance of maintaining appropriate physical and emotional boundaries. Members of the VSCS community must not engage in any behavior, including speech, gestures, depictions, or physical contact that exploits, abuses, or harasses Minors.

Physical Contact: A Minor or bystander may misinterpret an individual's intentions when physical contact occurs between a member of the VSCS community and a Minor. Therefore, physical contact should be limited in nature and should occur only when necessary or appropriate. Be aware of how physical touch with Minors can be perceived or received and show prudent discretion in determining whether physical contact would be an appropriate expression of greeting, care, concern, instruction, or celebration.

Acceptable forms of physical contact with a Minor include high fives, handshakes, fist bumps, and pats on the back or shoulder.

Types of physical contact to be avoided include tickling, rough-housing, wrestling, piggyback rides, any type of massage, and any form of unwanted affection.

Discipline: Although at times limit-setting with Minors may be necessary for safety reasons, physical discipline is not acceptable behavior in the VSCS community. Similarly, speech, gestures or other behaviors that are bullying, demeaning, belittling, hurtful, meant to embarrass or make gratuitous reference to the Minor's physical development or appearance are not appropriate.

One-on-one Interactions: One-on-one meetings with a Minor should be avoided, but if necessary, should be held in a public area, in a room where the interaction can be (or is being) observed, or in a room with the door left open. Practically speaking, VSCS community members should make a reasonable effort to have another adult colleague present when meeting with a Minor. If a private, one-on-one meeting with a Minor cannot otherwise be avoided, a supervisor or another staff member should be notified about the meeting at the same time as the interaction or as soon as is reasonably practicable thereafter.

Drug and Alcohol Use; Other Prohibited Items: Consistent with VSCS policies, the possession and/or use of illegal drugs (including marijuana) and the use of tobacco products or alcohol is prohibited when interacting with Minors. Members of the VSCS community, including vendors, are prohibited from providing a Minor with alcohol, drugs, tobacco products, inappropriate materials (including materials accessed digitally or virtually) or other such items.

Gifts: Members of the VSCS community should not give gifts to Minors or their parent/guardian independent of gifts provided through a VSCS program but are permitted to accept gifts of nominal value (under \$25) from Minors with the permission of their parent/guardian.

Communicating with Minors: Communication with Minors is only allowed for the purpose of conducting VSCS programs or otherwise furthering summer camp or vendor program-related objectives. Do not call, text or engage with Minors using personal devices, email or social media, and do not engage with Minors about any personal subjects unless otherwise consistent with VSCS program missions and objectives.

For the protection of all concerned, the key safety concept that will be applied to such communications is “transparency” – use limited means of electronic communication (normally, VSCS phones and emails), limit your in-person communication with Minors outside of your role with the VSCS (private, one-on-one meetings should be avoided if at all possible, as described above), and keep your communications related to VSCS-related programs and activities.

Safeguarding Our Communities From Sexual Predators: What College Presidents and Trustees Should Ask



In recent years, multiple universities have faced sexual predator scandals involving scores of victims. Often the institutional leaders were uninformed about the allegations regarding incidents on their campuses. This failure of leadership oversight has many presidents and trustees wondering how to safeguard their communities from similar tragedies. Here are key questions these campus leaders should ask and suggestions for creating a culture of prevention and reporting.

Become informed about policies and procedures.

What are the parameters of our sexual abuse policies?

Presidents should be well versed in the institution's policies addressing sexual misconduct and abuse. Consider whether the policies cover all members of the community. For example, are faculty, medical professionals, volunteers, and contractors included? If so, assess how the policies are conveyed to them and whether signed acknowledgments are required to show they have read the policies.

Confirm that the policies require all reports to be investigated and adjudicated using consistent procedures. Strict compliance is important, because any exceptions can lead to predators avoiding accountability despite allegations against them. For example, investigations should not stop simply because the respondent denies the action or because someone powerful requests that the investigation cease.

Do the institution's sexual abuse standards and policies apply equally to employees at all levels?

The institution's standards and policies must be applied impartially and consistently, without exception. This includes departments such as athletics, whose student athletes and staff are sometimes excused from following institutional requirements. It is important that exceptions are not made in policy or practice, even for employees in highly visible positions, prominent departments, or those who bring profit or prestige to the institution, such as doctors, scientists, and scholars. Remind staff that preventing harm to students and the campus community is always the top priority, even if it comes at a cost to the institution's reputation.

What are our institution's options for reporting sexual abuse?

Easily accessible reporting options are an important indicator of an institution that encourages reporting. Check whether reporting channels are well publicized, easy to find on the institution's website, and include an anonymous reporting channel, if possible. It is also recommended that the email address of at least one board member be made available online as an additional avenue for reporting.

What are the processes through which reports of sexual abuse are handled?

Review how reports are handled at the institution, including which office or individual processes the reports and launches the investigation. If possible, give one staff member oversight of all reports so trends and repeat offenders are identified, or establish a process that looks for these patterns. Inquire about guidelines for notifying high-level administrators, legal counsel, and others when more than one report is made against an individual. Ask whether the institution has any policies regarding the reporting of allegations to external law enforcement, especially with victims who are minors.



What is our policy regarding background checks?

Increasingly, educational institutions are implementing processes that require background checks of all employees at hire to screen for individuals with red flags in their pasts. Review your institution's policy regarding which positions or groups are subject to background checks, and what those checks entail. Keep in mind that phone calls to references—with fine-tuned questions that ask about the individual's respect for boundaries in interactions with students and children—are often the best source of information to weed out possible predators.

Take note of whether faculty, coaches, volunteers, and third parties are subject to the same screening as regular employees. Consider whether some employees, depending on job function, should have their background checks updated routinely during employment.

Be intentional with words and actions.

Have we established clear expectations for receiving updates on sexual misconduct reports and investigations, both on a routine schedule and an emergent basis for certain inquiries?

Presidents and trustees need not be involved in every allegation, but they should establish clear guidelines for regular updates about critical inquiries such as allegations involving more than one victim, more than one allegation against the same respondent, patterns of inappropriate behavior from teams or departments on campus, or allegations involving individuals in positions of power. Depending on the board's structure, one of its committees could take responsibility for monitoring these sexual abuse reports.

Similarly, presidents and trustees should establish guidelines for when they will be notified about settlements involving

allegations with more than one victim or allegations involving individuals in positions of power. By working with the general counsel's office or the individuals responsible for negotiating settlements on behalf of the institution, the president and trustees can ensure that they are informed early in the settlement negotiation process.

Often, staff have a strong reluctance to tell the president bad news, and the first instinct is to handle the matter so that it does not reach the president or board. However, on issues of serial sexual assault, presidents and boards are often held accountable despite being unaware of the allegations. Accordingly, they must become actively engaged and require updates on allegations. This cultural change may require professional development to educate staff and help shift attitudes.

Have we articulated our expectation that policies are followed?

Upholding the administrative structure for reporting, investigating, and disciplining is an important part of the president's role. The president must set the tone for thorough compliance with policies. As such, the president should only make investigative or disciplinary decisions if the president's involvement is prescribed by the policy.

Am I speaking out to foster a safe and inclusive environment on campus?

To effectively shape the campus culture, the president's actions should include a no-tolerance philosophy for sexual abuse and strong support for reporting. By publicly voicing support for survivors and proactively addressing topics surrounding sexual abuse, the president can serve as a catalyst for cultural change. If the community learns to be alert and report all boundary violations, this may stop or deter predators from further abuse.

Understand the campus culture.

What trainings are offered for students, employees, and faculty?

Take a close look at the trainings used for various audiences on your campus. Review the topics and training styles, then assess whether they are appropriate for each group. Are the trainings mandatory? How often are they required? Consider that many of the standard trainings (e.g. workplace harassment training for employees or Title IX training for students) may not cover important topics such as boundary violations, child abuse red flags, and employee obligations to report incidents of suspected sexual abuse.

Which staff members are addressing issues of sexual abuse on campus?

Presidents must make sure they are fully versed in the administrative positions working to prevent sexual abuse and assist victims on campus. Student affairs professionals often lead these prevention efforts and can be a valuable liaison for the president. By developing relationships with staff who handle sexual abuse reports and manage prevention efforts, the president can also establish an expectation that he or she be informed of noteworthy events.

What resources do we have for victims?

Providing appropriate, easily accessible resources on campus is critical for survivors' wellbeing. Review whether your institution's resources adequately serve the physical and emotional needs of victims and whether referrals to off-campus resources are provided. The institution's commitment to survivor wellness helps foster an environment that encourages reporting and supports those who make reports.

When did we conduct our last climate survey measuring sexual violence attitudes and prevalence on campus, and what were the results?

Institutional leaders must steer the campus culture toward an ethos that is alert about red flags, facilitates reporting, and supports victims. To do this, the president and trustees must understand the current campus landscape. A campus climate survey is an anonymous survey of students that assesses the prevalence of prohibited conduct, including sexual assault and abuse, and provides insight into students' perceptions about the environment on campus.

Presidents and trustees play an important role in protecting the campus community from sexual predators and should be well versed in the institution's reporting options, training programs, victim resources, and the administrative roles responsible for implementing these measures. Leaders who have a deep understanding of the institution's culture and engage in vocal support for reporting will help create an environment in which predatory behavior is unwelcome and boundary violations of any kind are not tolerated.



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