

BOARD OF TRUSTEES
PUBLIC MEETING

Public Agenda

WebEx Virtual Meeting Event

Tuesday, May 5, 2020 – 5:00 p.m.

- I. Call to Order
- II. Open Public Meetings Act Statement
- III. Roll Call
- IV. Reports:
 - A. Vice Chairman
 - B. Secretary
 - C. Treasurer
 - D. President
 - E. Committees
 - 1. Audit, Finance and Legal Affairs
 - 2. Education and Student Affairs
 - 3. Personnel
 - 4. Site and Facilities
 - 5. Strategic Planning and Issues
 - F. Alumni Trustee
 - G. Chairman
- V. Unfinished Business/Board Members
- VI. New Business/Board Members
- VII. Open to the Public
- VIII. Actions:
 - A. Approval of Minutes: Tuesday, April 7, 2020
 - B. Approval of Consent Agenda: Tuesday, May 5, 2020
- IX. Executive Session, if required
(New Business/Open to the Public)
- X. Adjournment

CONSENT AGENDA

Tuesday, May 5, 2020

Virtual WebEx Event

5:00 p.m.

Actions to be considered by the Board of Trustees. Additional actions may be added to this list and may be considered by the Board. Any actions herein listed may be removed from the Agenda by the Board prior to passage.

APPROVAL OF BOARD MINUTES: Tuesday, April 7, 2020

AUDIT AND FINANCE (A/F)

1. Approval of Legal Vouchers – DeCotiis, FitzPatrick, Cole & Giblin, LLP.
2. Authorization to renew the College's Flood Insurance Policy for 1280 Wall Street, Lyndhurst, NJ. This category of Insurance is exempt from bidding pursuant to N.J.S.A. 18A:64A-25.5(11), in accordance with the requirements for extraordinary unspecifiable services.
3. To authorize the purchase of Cohesity Datacenter Back Up & Disaster Recovery solution from Aspire Technology Partners.
4. To authorize the annual renewal of ManageEngine ServiceDesk Plus Enterprise license software, from May 12, 2020 through May 11, 2021 from Insight Public Sector.
5. To authorize the purchase of annual Microsoft Campus agreement for volume licensing of various Microsoft software from Insight Public Sector for the period 6/1/20 – 5/31/21.

EDUCATION AND STUDENT AFFAIRS (E/SA)

1. To authorize submission of an Amendment Application to the Perkins FY 2020 spending plan, as required by the State of New Jersey Department of Education Perkins Guidelines, and to authorize Interim President Anthony Ross, or his designee, to execute required documents.
2. To approve a corrective action plan for the New Jersey Department of Education Office of Fiscal Accountability and Compliance for the Carl D. Perkins Grant FY2018.

INSTITUTIONAL (I)

1. Revision of College Policy: Smoking Policy.

PERSONNEL (P)

1. Appointment: Support Staff (This appointment is being made in accordance with the Bergen Community College Support Staff Association (BCCSSA) contract, Article XV, after successful completion of the probationary period.
2. Retirement: Faculty



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BOARD OF TRUSTEES ACTION A/F1
Approval Date: May 5, 2020

Resolution:

Approval of Legal Vouchers – DeCotiis, FitzPatrick, Cole & Giblin, LLP.

Submitted By

Dr. Anthony Ross, Interim President
Mr. Wilton Thomas-Hooke, Managing Director, Finance

Action Requested

Approval for payment of the following legal vouchers:

March 1, 2020 to March 31, 2020 DeCotiis, FitzPatrick, Cole & Giblin. LLP. \$ 71,808.41

Legal bills will be available on the College's web site under the Board of Trustees at the following address:

<http://www.bergen.edu/about-us/board-of-trustees/legal-bills>

Charge to:	College Operating Funds
Account Number:	10-01-186100-607566
Amount:	\$ 71,808.41



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BOARD OF TRUSTEES ACTION A/F2
Approval Date: May 5, 2020

Resolution

Authorization to renew the College's Flood Insurance Policy for 1280 Wall Street, Lyndhurst, NJ. This category of Insurance is exempt from bidding pursuant to N.J.S.A. 18A:64A-25.5(11), in accordance with the requirements for extraordinary unspecifiable services.

Submitted By

Dr. Anthony Ross, Interim President
Mr. Wilton Thomas-Hooke, Managing Director, Finance

Authorization to renew Flood Insurance coverage for property located at 1280 Wall Street, Lyndhurst, NJ, from Otterstedt Insurance Agency, Inc. for the coverage period:

- *June 5, 2020 through June 5, 2021
Flood Policy at a cost of \$39,193.00*

Justification

Renewal of insurance coverage for 1280 Wall Street, Lyndhurst, NJ. Flood insurance rates are mandated by FEMA.

The College has a need to award this purchase through a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4.

Otterstedt Insurance Agency has completed and submitted, a Political Contribution Disclosure Form and a Stockholder Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 and a Business Entity Disclosure Certification in accordance with N.J.S.A. 19:44A-20.8, certifying that it has not made any reportable contributions to a political or candidate committee in the County of Bergen in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract. The Political Contribution Disclosure, the Stockholder Disclosure Certification and Business Entity Disclosure will be maintained on file at the College.

Charge To: College Operating Funds
Account: 10-01-188100-607590
Total: \$39,193.00



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BOARD OF TRUSTEES ACTION A/F3
Approval Date: May 5, 2020

Resolution

To authorize the purchase of Cohesity Datacenter Back Up & Disaster Recovery solution from Aspire Technology Partners.

Submitted By

Dr. Anthony Ross, Interim President
Mr. Ron Spaide, Chief Information Officer
Mr. Wilton Thomas Hooke, Managing Director, Finance
Ms. Barbara Golden, Director, Purchasing and Services

Action Requested

Authorization to purchase Cohesity Datacenter Back Up & Disaster Recovery solution from Aspire Technology Partners. in the amount of \$274,104.40.

Justification

Cohesity is a datacenter backup and disaster recovery Solution which will provide us with a replacement for our end-of-life tape backup solution as well as provide us with disaster recovery. Cohesity provides comprehensive protection in a scale-out design that delivers the flexibility to easily address evolving business requirements. Instant mass restore recovers data within minutes to reduce downtime. Public cloud integration enables workload agility for long-term-retention, disaster recovery, test/dev, and cloud-native backups.

This purchase includes 5-year hardware support, 5-year subscription for the Cohesity DataPlatform Subscription, 5-year subscription for Helios Premium, 5-year subscription for Cohesity DataProtect & Unlimited Archive Add-on for virtual and physical environments, as well as installation services and 2 days of instruction.

Aspire Technology Partners, Inc. has completed and submitted, a Political Contribution Disclosure Form and a Stockholder Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 and a Business Entity Disclosure Certification in accordance with N.J.S.A. 19:44A-20.8, certifying that it has not made any reportable contributions to a political or candidate committee in the County of Bergen in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract. The Political Contribution Disclosure, the Stockholder Disclosure Certification and Business Entity Disclosure will be maintained on file at the College.

Computer Hardware, Software and Support are exempt from bidding in accordance with County College Contracts Law 18A:64A-25.5 (a) (19).

Quotes were requested from the companies listed below.

SHI International Corp.	Did not quote
PCMG, Inc.	Did not quote
CDW Government, Inc.	\$482,567.65
Insight Public Sector, Inc.	Did not quote
Dell Marketing L.P.	Did not quote
Continental Resource	Did not quote
Aspire Technology Partners	\$274,104.40

Charge to: College Operating Funds
Account Number: 20-01-165100-604289
Amount: \$274,104.40



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BOARD OF TRUSTEES ACTION A/F4
Approval Date: May 5, 2020

Resolution:

To authorize the annual renewal of ManageEngine ServiceDesk Plus Enterprise license software, from May 12, 2020 through May 11, 2021 from Insight Public Sector.

Submitted By

Dr. Anthony Ross, Interim President
Mr. Ron Spaide, Chief Information Officer
Mr. Wilton Thomas Hooke, Managing Director, Finance
Ms. Barbara Golden, Director, Purchasing and Services

Action Requested

Authorization to renew ManageEngine ServiceDesk Plus software licensing at a cost of \$22,375.78 from Insight Public Sector on NJ State Contract 89853.

Justification

ServiceDesk Plus is our helpdesk ticket management system which allows for ticket assignment, tracking and monitoring of all help desk calls and incidents as well as management of the college's assets to support all staff and students with their IT issues.

Quotations were received from the companies listed below.

CDW	\$25,345.73
Dell	No response
PCMG	No response
SHI	\$23,083.62
Insight Public Sector	\$22,375.78

Purchase through NJ State Contract is allowed in accordance with County College Contracts Law 18A-64A-25.9.

Charge To: College Operating Funds
Account Number: 10-01-165100-607526
Amount: \$22,375.78



BOARD OF TRUSTEES ACTION A/F5
Approval Date: May 5, 2020

Resolution

To authorize the purchase of annual Microsoft Campus agreement for volume licensing of various Microsoft software from Insight Public Sector for the period 6/1/20 – 5/31/21.

Submitted By

Dr. Anthony Ross, Interim President
 Mr. Ron Spaide, Chief Information Officer
 Mr. Wilton Thomas Hooke, Managing Director, Finance
 Ms. Barbara Golden, Director, Purchasing and Services

Action Requested

Authorization to purchase an annual Microsoft Campus Licensing agreement from Insight Public Sector in the amount of \$145,915.33 on NJ State Contract 89853.

Justification

Microsoft Campus Licensing Agreement entitles the college to utilize Microsoft volume licensing for one year. The Microsoft software includes Microsoft Exchange (College email), Server (central server operating systems), Microsoft SQL, SharePoint, Office, and Office 365 for students as well as entitlement to Microsoft windows for all desktop computers on campus.

Quotations were requested from the companies listed below.

SHI International Corp.	\$156,648.03
Dell Marketing L. P.	No Response
CDW Government	\$153,393.43
Insight Public Sector	\$145,915.33
PCMG, Inc.	No Response

Purchase through NJ State Contract is allowed in accordance with County College Contracts Law 18A:-64A-25.10.

Charge to: College Operating Funds
Account Number: 10-01-165100-607526
Total: \$145,915.33



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BOARD OF TRUSTEES ACTION E/SA1
Approval Date: May 5, 2020

Resolution

To authorize submission of an Amendment Application to the Perkins FY 2020 spending plan, as required by the State of New Jersey Department of Education Perkins Guidelines, and to authorize Interim President Anthony Ross, or his designee, to execute required documents.

Submitted By

Dr. Anthony Ross, Interim President
Dr. Brock Fisher, Vice President of Academic Affairs
Mr. Wilton Thomas-Hooke, Managing Director of Finance
Ms. Barbara Golden, Director, Purchasing and Services
Dr. William J. Yakowicz, Director, Grants Administration

Action Requested

Authorize submission of an amendment of \$15,705 to the FY 2020 Perkins spending from cost savings realized by BCC's Purchasing Department.

Justification

The New Jersey Department of Education approved the FY 2020 Perkins Spending Plan, authorized by the Board of Trustees on May 7, 2019. Any changes to that original spending plan require a Board of Trustees approved Amendment Application.

This amendment includes new purchases as a result of cost savings realized on originally proposed items. Newly proposed investments in the amendment, drawn from college's Perkins Committee priority list, include the following:

- Simulation Stethoscopes (4 total) for Healthcare programs, \$4,180
- Digital wireless microphone system (2 total) for the Broadcasting program, \$6,000
- Un-itemized supplies for the Paramedic Program, \$5,525

No college funds are required.

Charge to: Perkins Account 50-02-593700



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BOARD OF TRUSTEES ACTION E/SA2
Approval Date: May 5, 2020

Resolution:

To approve a corrective action plan for the New Jersey Department of Education Office of Fiscal Accountability and Compliance for the Carl D. Perkins Grant FY2018.

Submitted By

Dr. Anthony Ross, Interim President
Dr. Brock Fisher, Vice President of Academic Affairs
Mr. Wilton Thomas-Hooke, Managing Director of Finance
Dr. William J. Yakowicz, Director, Grants Administration

Action Requested

Authorize Corrective Action Plan and repayment of funds.

Justification

The New Jersey Department of Education, Office of Fiscal Accountability and Compliance completed a fiscal audit of the Carl D. Perkins Grant of the Bergen Community College covering the period July 1, 2017 through June 30, 2018. The resulting report, dated March 12, 2020, contained five findings and recommendations which resulted in disallowment of funds expended in the amount of \$9,853.83. The total amount disallowed was offset by \$6,348.08 in unreimbursed program costs, resulting in a net recovery amount of \$3,505.75 to be repaid to the NJ Department of Education. Findings include the following:

1. Unallowable travel costs were improperly charged to the FY 2017-2018 Carl D. Perkins grant.
2. Adequate documentation was not provided which demonstrates that certain costs charged to the grant are allocable to the federal award and represents an allowable cost.
3. Payroll costs incurred for a student were improperly allocated to the Perkins grant in contravention of departmental guidelines.
4. An individual membership fee was allocated to the Perkins grant in contravention of departmental guidelines.
5. The grantee incorrectly posted expenditure on its Perkins general ledger which impacted the Final Report as well.

A draft of the Corrective Action Plan is attached.

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN**

NAME OF SCHOOL DISTRICT: Bergen Community College

TYPE OF EXAMINATION: Carl Perkins Grant FY 2018 Audit

DATE OF BOARD MEETING: May 5, 2020

CONTACT PERSON: William Yakowicz

TELEPHONE NUMBER: (201) 612-5253

RECOMMENDATION NUMBER	CORRECTIVE ACTION REQUIRED BY THE BOARD	METHOD OF IMPLEMENTATION	PERSON RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
<p style="text-align: center;">1</p> <p>BCC must improve procedures to ensure that all Perkins expenditures represent allowable program costs and conform to requirements contained in the Guidelines.</p>	<p>Procedures are in place to ensure funded travel does not exceed federally approved per diem rates for hotel, meals and mileage.</p>	<p>The College has created a Perkins Grant Guide to increase faculty and staff awareness and access to grant guidelines. Also, the required pre-travel approval forms are reviewed and adjusted if necessary, to ensure that per diem rates are not exceeded. If unusual circumstances require exceeding the per diem rate, documentation is</p>	<p>Brock Fisher and Wilton Thomas-Hooke</p>	<p>July 2019</p>

		required by the traveler for approval prior to travel.		
<p>2</p> <p>BCC must ensure that expenses charged to the Perkins grants conform to the requirements set forth in the UGG, 2 C.F.R. § 200 et seq. and support authorized program activities.</p>	<p>The college will return to the state the amount of \$3505.75 for disallowed expenditures.</p>	<p>The required pre-travel and post-travel approval forms are reviewed to ensure that travel requests are consistent with the approved travel event specified in the application. Itemized documentation must be provided to ensure that an appropriate level of review can be completed for reasonableness and necessity of costs incurred. Costs deemed unreasonable will not be approved or reimbursed using grant funds.</p>	<p>Brock Fisher and Wilton Thomas-Hooke</p>	<p>July 2019</p>
<p>3</p> <p>BCC must improve procedures to provide reasonable</p>	<p>Bergen will not permit students to fill Perkins approved positions.</p>	<p>All hires related to the Perkins grant must be formally approved by the</p>	<p>William Yakowicz and Gwendolyn Harewood</p>	<p>July 2019</p>

assurance that all Perkins expenditures represent allowable program costs and conform to requirements contained in the Guidelines.		HR, Finance and Grant Departments to ensure conformance to guidelines.		
4 BCC must improve procedures to ensure that all Perkins expenditures represent allowable program costs and conform to requirements contained in the Guidelines.	Procedures are in place to ensure funded travel does not include membership fees	The required pre-travel approval forms are reviewed and adjusted if necessary, to ensure that membership fees are not included in registration fees and/or amounts reimbursed by the grant.	William Yakowicz	July 2019
5 BCC must establish a system of internal control sufficient to provide reasonable assurance that it reports complete and accurate financial	Procedures are in place to ensure that all expenditures are being recorded and reported correctly	A detailed tracking sheet contains both the Bergen Community College account object code as well as the Perkins Grant budget code. These are reconciled monthly to ensure that items are	Wilton Thomas-Hooke and William Yakowicz	July 2019

information to NJDOE.		coded and recorded correctly at the time of reimbursement request and for final reporting purposes.		
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CHIEF SCHOOL ADMINISTRATOR

DATE

BOARD SECRETARY/SCHOOL BUSINESS ADM

DATE



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BOARD OF TRUSTEES ACTION: Institutional 1
Approval Date: May 5, 2020

Resolution

Revision of College Policy: Smoking Policy.

Submitted By

Dr. Anthony Ross, Interim President
Mr. William Corcoran, Vice President, Facilities Planning, Operations & Public Safety
Ms. Gwendolyn Harewood, Director of Human Resources & Employee Relations
Dr. Drorit Beckman, Executive Assistant to the Executive Vice President
Mr. Ian Wolf, Coordinator of Student Conduct and Information

Action Requested

To revise the College Policy: Smoking Policy.

Justification

This policy revision reflects new smoking media, such as electronic smoking devices, as well as the College's commitment to become a 100% smoke-free campus.

See attached policy.

OLD POLICY - TO BE REMOVED

Bergen Community College Board of Trustees

Section B: Personnel/Human Resources Policies

BD: Workplace Issues
BDC: Smoking Policy

INTRODUCTION

1. The New Jersey State Legislature and the New Jersey Department of Health have found that tobacco smoke is a substantial health hazard to both the smoking and non-smoking public. As such, smoking on Bergen Community College property by any person at any- time anywhere is strictly prohibited. The property of the College includes all College vehicles as well as real estate owned by the College.
2. The effect of this policy is to prohibit smoking in all buildings and areas of college property. This entails that smoking is prohibited on the grounds, playing fields, walkways, roadways, parking lots, in and around the perimeter of any building.

'SMOKING' DEFINED

For purposes of this policy, "smoking" is defined as the burning of a lighted cigar, cigarette, pipe or any other matter of substance that contains tobacco as well as the use of smokeless tobacco, snuff, or similar substance.

LEGAL AUTHORITY

This policy has been enacted in accordance with the provisions of Chapter 383, Public Laws of 2005, and codified in N.J.S.A26:3D-55et SCQ.

SANCTIONS AGAINST VIOLATORS

Any employee who violates this policy shall be subject to appropriate disciplinary action.

Any student who violates the Policy shall be subject to disciplinary measures in accordance with the provisions of the Student Code of Conduct. Other individuals, including visitors to the College, who violate this policy, may be asked to leave the College premises. All violators are also subject to sanctions provided by applicable laws and regulations.

SIGNAGE

OLD POLICY - TO BE REMOVED

Signs designating Bergen Community College a smoke free campus will be posted. This policy will also be noticed in appropriate publications of the College.

AVAILABLE ASSISTANCE

For any student or personnel of the College who desires to stop smoking, assistance is available through staffs of the Health Services, Wellness Center and Counseling. In addition, there are programs that are provided throughout the semester which are well publicized and are accessible to everyone.

Section B:BD:BDC

Adopted: 8/7/91

Resolution: 27

Updated: 10/03/07

Amended:



REVISED POLICY FOR APPROVAL

BERGEN COMMUNITY COLLEGE POLICY

Policy Name:	Tobacco/Smoke Free Policy				
Section #:	B	Section Title:	Personnel/Human Resources Policies; Workplace Issues	Former #:	B: BD: BDC
Approval Authority:	Board of Trustees	Adopted:	8/7/91	Reviewed:	
Responsible Executive:	Director of Human Resources	Revised:	10/3/07		
Responsible Office:	Office of Human Resources, Department of Public Safety, and Division of Student Affairs	Contact:	HumanResourcesGroup@bergen.edu StudentConduct@bergen.edu PublicSafety@bergen.edu		

1. Policy Statement

Bergen Community College is committed to providing a safe and healthy working and learning environment for students, faculty, and staff at all of its campus locations. The effect of this policy is to prohibit the use of all tobacco, electronic cigarette, and other smoking-related products (Smoking) in all buildings and areas of college property. This stipulates that smoking is prohibited on the grounds, playing fields, walkways, roadways, parking lots, and all areas in and around the perimeter of the campus.

2. Reason for Policy

Tobacco is a major contributor to air pollution and breathing secondhand smoke may cause health risks. Tobacco can cause coronary heart disease or heart attack. Tobacco has been connected to various health-related issues (i.e. cancer, respiratory issues, dental issues, etc.).

Electronic smoking devices (ESDs) or electronic nicotine delivery systems (ENDS), commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid that typically contains nicotine, heated through an electronic ignition system. Most ESDs and ENDS contain and emit numerous potentially toxic substances and increase airborne concentrations of particulate matter and nicotine in environments.¹

The use of tobacco, hookahs, marijuana, ESDs or ENDS are forms of air pollution and constitute a danger to health and a material public nuisance.

Accordingly, Bergen Community College declares that the purposes of this policy are:

¹ According to the American Nonsmokers’ Rights Foundation, more than 2,000 college and university sites in the United States have adopted 100% smoke-free, or even tobacco-free (including noncombustible tobacco) policies, and this number is rising steadily. The American College Health Association “encourages colleges and universities to be diligent in their efforts to achieve a 100% indoor and outdoor campus-wide tobacco-free environment.” The United States Department of Health and Human Services (HHS) created the Tobacco-Free College Campus Initiative (TFCCI), later administered by the American Cancer Society, in partnership with CVS Health, as the Tobacco-Free Generation Campus Initiative (TFGCI), to promote and support the adoption and implementation of tobacco-free policies at universities, colleges, and other institutions of higher learning across the United States.



REVISED POLICY FOR APPROVAL

- (1) to protect the public health and welfare by prohibiting smoking and the use of tobacco products, including ESDs and ENDS, on the Bergen Community College campus.
- (2) to guarantee the right of nonsmokers to breathe smoke and vape free air, recognizing that the need to breathe smoke and vape free air shall have priority over the desire to smoke.
- (3) (3) to encourage a healthier, more productive living/learning environment for all members of our campus community.

3. Who Should Read this Policy

All members of the Bergen Community College community including faculty, staff, students, covered entities, lessees, contractors, non-employees, and agents of the College. This policy also applies to organizations with whom the College has Memoranda of Understanding for use of facilities and those who rent college facilities for events.

4. Resources

Students and employees of the College who desire to stop Smoking may obtain assistance through Health Services, Wellness Center & Personal Counseling. On-site treatment programs shall be made available to assist and encourage individuals who wish to stop Smoking.

5. Definitions

- a. **“Smoking”** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device, which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
- b. **“Electronic Smoking Device” (ESD) and “Electronic Nicotine Delivery Systems” (ENDS)** refer any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- c. **“Hookah”** refers to a water pipe and any associated products and devices, which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.
- d. **“Tobacco Product”** refers to any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.



REVISED POLICY FOR APPROVAL

6. The Policy

A. Introduction:

- a. In light of the above policy statement, the Bergen Community College campus shall be entirely ESD, ENDS, Hookah, and Tobacco Product Free.
- b. The Tobacco/Smoke Free Policy applies to all Bergen Community College facilities, property, and vehicles, owned or leased, regardless of location. Smoking is not permitted in any enclosed place, including, but not limited to, all offices, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, and performance venues within Bergen Community College spaces. Smoking and the use of tobacco products is also prohibited outdoors on all Bergen Community College campus property, including, but not limited to, parking lots, paths, fields, sports/recreational areas, and stadiums, as well as in all personal vehicles while on campus. This policy applies to all students, faculty, staff, and other persons on campus, regardless of the purpose for their visit.
- c. Bergen Community College finds that the cultural, spiritual and ceremonial use of traditional tobacco is an integral part of Native American life. Bergen Community College finds Native American cultural teachings about ceremonial tobacco and its use are of importance to the health, wellness, and welfare of the Native American people. The Native American fundamental, traditional, and ceremonial use of tobacco shall not be restricted for Native American tribal members pursuant to Section 4 of the Indian Self-Determination and Education Assistance Act.
- d. In further recognition of the incompatibility of Bergen Community College's educational mission and the promotion of tobacco products:
 - i. No tobacco-related advertising or sponsorship shall be permitted on Bergen Community College property, at Bergen Community College-sponsored events, at events held on College properties by external organizations, or in publications produced by the College.
 - ii. No tobacco products or paraphernalia shall be sold or distributed as samples on College properties, either in vending machines, the student center, or any area on campus.

B. Sanctions Against Violators:

- a. This policy shall be enforced by the Department of Public Safety in collaboration with the Office of Human Resources and the Division of Student Affairs.
- b. Policy violations will be treated in a manner that is congruent with offenses to the Student Code of Conduct (students) and Employee Code of Conduct (staff/faculty). Opportunities for tobacco users to learn about the policy change and adapt their behavior may be granted in the form of courtesy cards, which may be distributed by the Department of Public Safety. Violations may be reported using an online complaint form. Complaints should be filed within 10 business days of observing a potential violation in order to be addressed in a timely manner.
 - i. **Students:** Regarding student conduct, violations will be addressed with a hierarchy of sanctions congruent with the Student Code of Conduct, as deemed appropriate by the Vice President of Student Affairs or his/her designee. Sanctions may include reflective or restorative sanctions, educational programming, fines, or others as noted in the Student Code of Conduct.



REVISED POLICY FOR APPROVAL

- ii. **Faculty/Staff:** The Office of Human Resources will execute progressive disciplinary actions against violators, as well as address any necessary behavioral concerns. If an employee is a member of a recognized bargaining unit, the negotiated disciplinary procedure will be used.
- iii. **Visitors and Vendors:** Upon violation, a verbal request to cease the use of tobacco may be made by any member of the campus community, especially direct supervisors who oversee contracts. In cases where visitors or vendors fail to comply, the Department of Public Safety will be called to make and document a request to cease use of tobacco products. Visitors that do not comply with Public Safety will be issued a trespass warning and escorted off of Bergen Community College property.

C. Signage

- a. Information about the policy and compliance shall be posted on the Bergen Community College website. Announcements concerning the policy and any changes shall be posted on the Bergen Community College website.
- b. Signs prohibiting smoking and the use of tobacco products shall be posted at all points of entry to the Bergen Community College campus as well as all buildings at the Paramus and off-site locations. No ashtrays shall be provided at any location on campus.



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BOARD OF TRUSTEES ACTION P1
Approval Date: May 5, 2020

Resolution

Appointment: Support Staff (This appointment is being made in accordance with the Bergen Community College Support Staff Association (BCCSSA) contract, Article XV, after successful completion of the probationary period.)

Submitted By

Dr. Anthony Ross, Interim President
Mr. William Corcoran, Vice President, Facilities Operations, Planning and Public Safety
Ms. Gwendolyn Harewood, Director of Human Resources and Employee Relations

Action Requested

To approve the appointment of the following individual to the position and annual salary indicated.

<u>Name</u>	<u>Position/Division</u>	<u>Salary</u>	<u>Effective Date</u>
John Rizer	Public Safety Officer/Public Safety	\$36,000.00 (pro-rated)	02/05/20 (retroactive)

Justification

To fill budgeted position through successful search process and completion of probationary period.

Charge to: College Operating Funds
Account Number:



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BOARD OF TRUSTEES ACTION P2
Approval Date: May 5, 2020

Resolution

Retirement: Faculty

Submitted By

Dr. Anthony Ross, Interim President

Dr. Brock Fisher, Vice President, Academic Affairs

Ms. Gwendolyn Harewood, Director of Human Resources and Employee Relations

Action Requested

To approve the retirement of the following individual:

<u>Name</u>	<u>Position/Rank/Department/Division</u>	<u>Effective Date</u>
Michael Bodek	Associate Professor/English/ Humanities/Academic Affairs	07/01/20

Justification

Retirement