



Greyhounds Take a Stand Against....

Stalking
Bullying
Retaliation
Sexual Assault
Discrimination
Substance Abuse
Inducing Incapacitation
Prohibited Sexual Misconduct
Dating and Domestic Violence

What Is the VAWA (The Violence Against Women) Act? The Violence Against Women Act (VAWA) is a landmark piece of legislation that sought to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United States. The passage of VAWA in 1994 and its reauthorization in 2000, 2005 and 2013, has changed the landscape for victims who once suffered in silence. Victims of domestic violence, dating violence, sexual assault and stalking have been able to access services, and a new generation of families and justice system professionals has

come to understand that domestic violence, dating violence, sexual assault and stalking are crimes that our society will not tolerate.

What is Title VI?

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance. All federal agencies that provide grants of assistance are required to enforce Title VI.

Examples of discrimination covered by Title VI include racial harassment, school segregation, and denial of language services to English learners. The U.S. Department of Education Title VI regulation (Code of Federal Regulations at [34 CFR 100](#)) is enforced by the Department's [Office for Civil Rights](#).

The Title VI regulation prohibits retaliation for filing an OCR complaint or for advocacy for a right protected by Title VI. Title VI also prohibits employment discrimination, but the protection against employment discrimination under Title VI is limited. See link for additional information: <http://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.

Nondiscrimination Policy

In accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, and the Regulations of the U.S. Department of Health and Human Services issued pursuant to these statutes at Title 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91, and 28 CFR Part 35, Fort Scott Community College does not discriminate on the basis of any characteristic protected by law (such as sex, disability, age, race, color, or national origin) in all aspects of employment, admission, and participation in its education programs or activities. Inquiries concerning Fort Scott Community College's compliance under these laws, should be directed to contact the College's Title VI Coordinator (Dean of Students) or Human Resources Director, Fort Scott Community College, Fort Scott, Kansas 66701 (620) 223-2700.

The College recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction or separate of, with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, or disability. Targeting individuals on the basis of these characteristics is also a violation of the community standards. Under these circumstances, the college will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability.

Fort Scott Community College Title VI and IX

Key Contacts:

Fort Scott Police Department- 1604 S. National Fort Scott, Kansas 66701 Phone (620)-223-1700 Fax (620)-223-8110/ 911
FSCC Dean of Students and Title VI and IX Student Coordinator-Tom Havron tomha@fortscott.edu 620-223-2700 ext. 3500
FSCC Human Resource Director and Title VI and IX Employee Coordinator-Julie McDaniel juleym@fortscott.edu 620-223-2700 ext. 5201
FSCC Security- Nathan Collins 620-224-7207

Fort Scott Community College Sexual Misconduct Policy

Definitions

- **Consent** to engage in sexual activity must be informed, freely given and mutual. Consent must be ongoing, throughout each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact.
- **Prohibited sexual misconduct** includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, stalking and dating or domestic violence.
- **Sexual assault** means actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: physical, sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery, and sexual coercion.
- **Inducing incapacitation** for sexual purposes includes the use of drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent to sexual contact.
- **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited.

- **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
- **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Retaliation** It is a violation of College Policy to retaliate in any way against a person or persons because they have opposed any practices forbidden under the Policy Against Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Interpersonal Violence and Stalking or have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, sexual misconduct, interpersonal violence, or stalking. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. The College will take immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate.

Know Your Resources

Seek Medical Care The medical exam has two goals: first, to treat the full extent of any injury or physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy and, second, to properly preserve evidence in case you decide to pursue legal action. It is important that you do not bathe, shower, douche, brush your teeth, relieve yourself, drink or change your clothing, as you may be destroying evidence you will need if you decide to report the incident to local law enforcement. Campus Human Resource Department, Dean of Students Office or the campus security office will escort any Fort Scott Community College student, faculty staff, provide transportation to area hospitals, and help in connecting you to the

Title IX Coordinator, who will support and provide you with information regarding options, including interim remedies to provide for the safety of the individual and the campus community. Emergency Contraception (EC) reduces the risk of pregnancy after unprotected sex or a sexual assault. The most common form of EC is Plan B. Plan B is available without a prescription from a pharmacist. Family Planning Services of Kansas (785) 296-1307 (<http://www.kdheks.gov/c-f/womens.html>), and Birthline of Fort Scott (620) 223-6853 provides confidential, low-cost, preventative health care to both females and males to help with their sexual health and reproductive health needs. The local medical facility Mercy Hospital of Fort Scott 401 Woodland Hills Boulevard, Fort Scott, KS 66701 (620)223-2200 is available.

Seek Support from a Confidential Source Talk to someone you trust. There are people on campus and in the community who are trained to help you cope with the experience of sexual misconduct and consider your options. Advocate staff at the SafeHouse (620) 231-8692, 24/7 hotline:800-794-9148 (<http://www.safehousecrisiscenter.org>) can provide emotional and medical support in a safe and confidential space and can be reached through a 24-hour crisis line. They may not share your information without your expressed consent unless there is an imminent danger to you or to others or as otherwise required by law. They can also help you think through your options for filing a formal report. The Advocate can meet a surviving victim at the hospital to serve as a no cost personal link between the hospital, local law enforcement, and their legal advocacy staff. This person can help a victim survivor understand the choices and rights afforded to them during the medical examination and beyond, as both a medical and legal advocate. These services are free to the victim survivor. 24 hour crisis line: 309-837-5555 www.wirpc.org/victimservices The Rape, Abuse & Incest National Network (RAINN) has trained volunteers on duty and available to help survivor victims at crisis centers across the country. These services are offered at no charge to the victim survivor. 24-Hour National Sexual Assault Hotline: 1-800-656-HOPE (4673) www.rainn.org Safe Harbor Family Crisis Center is a non-profit community agency that provides free, confidential help to individuals who are experiencing violence in their relationships as does the National Domestic Violence Hotline 1-800-799-SAFE (7233).

If You Experience Sexual Misconduct

It is most important to do what is right for you. There is no right or wrong way to respond to an act of sexual misconduct. If you or someone you know has been assaulted, a variety of resources are available and we encourage you to consider the following actions:

Report While we recognize that a report may emerge through many sources, we encourage those who experience sexual harassment and sexual misconduct to report directly **FSCC's Dean of Students and Title IX Student Coordinator**-Tom Havron tomha@fortscott.edu 620-223-2700 ext. 3500 and/or **FSCC Human Resource Director and Title IX Employee Coordinator**-Julie McDaniel juleym@fortscott.edu 620-223-2700 ext. 5201. These individuals will support and provide you with information regarding options, including: investigation and resolution procedures, interim remedies, and ongoing emotional support. These individuals will assist in eliminating the misconduct, preventing its recurrence and addressing the effects. All of the resources listed below will coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. FSCC values your privacy. Reports of sexual assault will be shared only with individuals with a need-to know or as required by law.

Filing A Report Off-Campus You may also choose to report the incident to local law enforcement, Fort Scott Police Department 1604 S. National Fort Scott, Kansas 66701 Phone (620)-223-1700 Fax (620)-223-8110.

Caring Faculty and Staff Members If you have a trusting relationship with a faculty or staff member, this may be a good place to start. All faculty and staff of FSCC will connect you to the Title IX Coordinator, Human Resources Director and/or the Dean of Students. They are required to do so to ensure all victims of sexual assault have access to the special support and service the College is committed to providing. All reported incidents will be handled with care and concern for the person assaulted and for the welfare of the campus.

Amnesty/Good Samaritan Policy The College recognizes that an individual who has been drinking or using drugs at the time of an incident of sexual misconduct may be hesitant to make a report because of potential disciplinary consequences. An individual who reports sexual misconduct will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not/do not endanger the health or well-being of any other individual. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Know Your Resources FSCC has a Policy Against Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Interpersonal Violence and Stalking that articulates the College's set of behavior standards, common understandings of definitions and key concepts, and descriptions of prohibited conduct. The Investigation and Resolution Procedures for Allegations of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Interpersonal Violence and Stalking also outline the College's approach to addressing reports of sexual misconduct. FSCC is committed to undertaking prompt, thorough, impartial and fair investigations of all alleged and suspected violations of the Policy about which the college knows, or reasonably should know, and to treating all individuals with respect and sensitivity

FSCC affirms its commitment to create and maintain an environment free from acts of sexual assault and other types of sexual misconduct and to foster within that environment respect for the dignity of all members of the community. Accordingly, FSCC will not tolerate any acts of sexual misconduct

Sexual Respect and Title IX

What to Do if You Experience Sexual Misconduct State of the Campus: Title IX Memo, 07/01/15

If you experience sexual misconduct, you are likely to have many concerns, including about your physical health and safety, emotional and mental well-being, such medical issues as sexually transmitted infections and pregnancy, the potential impact of your experience on how you relate with friends or family members, and about understanding the disciplinary or legal options available to you for responding to the act. As you think about how you want to respond, it is most important to do what is right for you. Friends, loved ones and family members may have strong feelings about what you should do. But every person must make the decisions that are best for himself or herself. The information below is meant to provide you resources and information so you can determine what is right for you.

Read our pamphlet, *Greyhounds Take a Stand*, <http://www.fortscott.edu/vawa>

Sexual Violence Includes

There are many types of sexual violence and ways for individuals to be victimized. If you experience or are aware of any of the following violent acts, this site provides additional information to assist the victims and observers to seek assistance immediately.

- **Sexual Violence** - Often this term is used interchangeably with rape depending on the federal state and federal laws.
- **Rape** - In about 8 out of 10 rapes, no weapon is used other than physical force. Anyone may be a victim of rape: women, men or children, straight or gay.
- **Acquaintance Rape** - Assault by an acquaintance involves coercive sexual activities by someone that the victim knows. It occurs against a person's will by means of force, duress, violence or fear of bodily injury.
- **Child Sexual Abuse** - Often a means of child sexual abuse occurs by an acquaintance or relative through incest.
- **Dating and Domestic Violence** - The issues of power and control are often at the center of dating and family violence. It occurs in all socio-economic, educational, racial, and age groups.
- **Drug Facilitated Sexual Violence** - This form of violence is used to compromise the individual's ability to consent prevents the sexual act from occurring. Drugs and alcohol are used to prevent the victim from protecting themselves.
- **Hate Crimes** - Victims of hate crimes are usually based on a dislike of another's race, religion, national origin, ethnic identification, gender or sexual orientation.
- **Incest** - This crime occurs between closely related individuals such as parents and children, uncles/aunts and nieces/nephews, etc.
- **Male Sexual Violence** - Men and boys are also the victims of the crimes of sexual violence, sexual abuse and rape. In fact, in the U.S., over 10% of all victims are male.
- **Partner Rape or Domestic Violence** - This violent sexual acts is committed without a person's consent and/or against a person's will. The perpetrator is the individual's current partner (married or not), previous partner or co-perpetrator.
- **Sexual Exploitation by Helping Professionals** - This act involves sexual contact without consent by a person of trust such as helping professional and a victim. These individual perpetrators could be the victims' doctor, therapist, teacher, priest, professor, police officer,

lawyer, etc. — and a client/patient.

- **Sexual Harassment** - Unwelcome advances for sexual favors by verbal or physical conduct that affects a victim's work or school performance are considered sexual harassment.
- **Stalking Victims** - that have been unaware of being followed for the purpose of a physical or sexual assault often have life altering experiences.
- **Stranger Rape** - 3 major categories include Blitz Sexual Assault by rapidly assaulting the victim with no prior contact. Contact Sexual Assault is made by the suspect trying to gain the trust of their victim by luring them out of areas where they can seek help. Home Invasion Sexual Assault when a stranger breaks and enters a victim's home.

What to Do If Sexually Assaulted

- **Get to a safe place** for your protection.
- **Get medical attention immediately.** The primary purpose of medical examination is to check for physical injury, the presence of sexually transmitted diseases or pregnancy as a result of the assault. The secondary purpose of the medical examination is to aid in the police investigation and legal proceedings.
- **Don't bathe or douche.** Bathing or douching might be the first thing you want to do. This would literally be washing away valuable evidence. Wait until you have a medical examination.
- **Save your clothing.** It is all right to change clothes, but save what you were wearing. Place each item of clothing in a separate paper bag and save for the police. Your clothing could be used as evidence for prosecution.
- **Report the incident to the police.** It is up to you, but reporting is not the same thing as prosecution. Prosecution can be determined later.
- **Contact your victim support resources.** If you are a victim of a sexual assault, please secure medical attention and supporting agencies even if you decided not to contact the police.
- **Talk to a professional counselor to get the emotional help that you need due to the trauma.** Many sexual assault cases go unreported because the victim fears retaliation or possible humiliation if word gets around she/he has been the victim of a sex offense. Victims tend to feel guilty as though they did something to bring it on themselves and often keep the incident to themselves or share some of the incident with a close friend. While this might be helpful in the immediate sense, we encourage you to talk to a knowledgeable counselor about

your reactions to being victimized. The services that are provided both on and off campus are available to all victims of violent acts and are designed to assist in overcoming the trauma of the attack.

Stalking Involves

- Repeated undesired contact such as phone calls, emails, letters, showing up unexpectedly, etc.
- Following or laying in wait for the individual.
- Making threats to the individual or their family.
- Any harassing or threatening behavior used to contact, track, or place fear in the individual.
- Cyberstalking includes threatening behavior to create unwanted advances using the Internet and other forms of online and computer communications. Some forms of cyber stalking can include harassment using threatening or obscene emails, live chat, texting, hacking or monitoring a victim's computer and online activity.

Who is a Stalker?

- A stalker can be someone you know well or not at all. Most stalkers have dated or been involved with the people they stalk. Most stalking cases involve men stalking women, but men do stalk men, women do stalk women, and women do stalk men.

WHAT IS THE VAWA (THE VIOLENCE AGAINST WOMEN) ACT?

The Violence Against Women Act (VAWA) is a landmark piece of legislation that sought to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United States.

The passage of VAWA in 1994 and its reauthorization in 2000, 2005 and 2013 has changed the landscape for victims who once suffered in silence. Victims of domestic violence, dating violence, sexual assault and stalking have been able to access services, and a new generation of families and justice system professionals has come to understand that domestic violence, dating violence, sexual assault and stalking are crimes that our society will not tolerate.



Fort Scott Community College
2108 S. Horton • Fort Scott, KS 66701
(620) 223-2700 • (800) 874-3722
www.fortscott.edu

GREYHOUNDS TAKE A STAND AGAINST

Bullying, Dating and Domestic Violence, Stalking, Sexual Assault



**Am I a victim?
What are the signs?
Who do I contact?
How to be an active bystander?
We can help answer these questions!**

In support of the Violence Against Women Reauthorization Act, Title IX regulations and the Clery Act, FSCC prohibits all violent offenses, FSCC's Greyhounds Take a Stand program promotes the education efforts to help stop relationship violence in support of Title IX, the Violence Against Women Reauthorization Act, the SaVe Act and Clery.

STOP — Bullying, Dating and Domestic Violence, Sexual Assault, Stalking

HELP AND REPORTING

The National Domestic Violence Hotline 24/7 Confidential Hotline.
WE'RE HERE TO LISTEN. Reach our trained advocates 24/7 to get the support you deserve. There are no fees, no names, no judgement. JUST HELP!

800-799-SAFE (7233)
 800-787-3224 (TTY)
www.thehotline.org

Kansas Resources
 Kansas Coalition against Sexual & Domestic Violence, 634 SW Harrison St., Topeka, KS 66603
 Hotline: 888-363-2287
 Office: 785-232-9784 Fax: 785-266-1874
 Website: www.kcsdv.org

The Kansas Crisis Hotline: 888-363-2287
 The Kansas Crisis Hotline is a toll-free, 24-hour statewide hotline linking victims of domestic violence and sexual assault to local services.

Find Services Near You
 Programs are listed below the map, alphabetically by city. You do not have to live in the city where the program is located to use their services.

<http://www.tinyurl.com/kansasprogram22>

Bourbon County and Local Area Resources

<http://www.tinyurl.com/bourboncountydv>

At FSCC
 If you need help or need to report a violent act such as bullying, domestic or dating violence, sexual assault, stalking or substance abuse for a student contact the dean of students by phone at 620-223-2700 ext. 3500 or FSCC employees may contact human resources at 620-223-2700 ext. 5201.

In an emergency contact the Fort Scott Police Department at 620-223-1700 or 911.

THE FACTS & FIGURES

- On average, 24 people per minute are victims of rape, physical violence or stalking by an intimate partner in the United States — more than 12 million women and men over the course of a year.
- Nearly 3 in 10 women (29%) and 1 in 10 men (10%) in the US have experienced rape, physical violence and/or stalking by a partner and report a related impact on their functioning.
- Nearly 15% of women (14.8%) and 4% of men have been injured as a result of intimate partner violence that included rape, physical violence and/or stalking by an intimate partner in their lifetime.
- 1 in 4 women (24.3%) and 1 in 7 men (13.8%) aged 18 and older in the United States have been the victim of severe physical violence by an intimate partner in their lifetime.
- Intimate partner violence alone affects more than 12 million people each year.
- More than 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) in the United States have experienced rape, physical violence and/or stalking by an intimate partner in their lifetime.
- Nearly half of all women and men in the United States have experienced psychological aggression by an intimate partner in their lifetime (48.4% and 48.8%, respectively).
- Females ages 18 to 24 and 25 to 34 generally experienced the highest rates of intimate partner violence [viii]
- From 1994 to 2010, about 4 in 5 victims of intimate partner violence were female.
- Most female victims of intimate partner violence were previously victimized by the same offender, including 77% of females ages 18 to 24, 76% of females ages 25 to 34, and 81% of females ages 35 to 49.

WARNING SIGNS AND RED FLAGS

It's not always easy to tell at the beginning of a relationship if it will become abusive.

In fact, many abusive partners may seem absolutely perfect in the early stages of a relationship. Possessive and controlling behaviors don't always appear overnight, but rather emerge and intensify as the relationship grows.

Domestic violence doesn't look the same in every relationship because every relationship is different. But one thing most abusive relationships have in common is that the abusive partner does many different kinds of things to have more power and control over their partners.

If you're beginning to feel as if your partner or a loved one's partner is becoming abusive, there are a few behaviors that you can look out for. Watch out for these red flags and if you're experiencing one or more of them in your relationship, call the hotline to talk about what's going on.

- Telling you that you can never do anything right
- Showing jealousy of your friends and time spent away
- Keeping you or discouraging you from seeing friends or family members
- Embarrassing or shaming you with put-downs
- Controlling every penny spent in the household
- Taking your money or refusing to give you money for expenses
- Looking at you or acting in ways that scare you
- Controlling who you see, where you go, or what you do
- Preventing you from making your own decisions
- Telling you that you are a bad parent or threatening to harm or take away your children
- Preventing you from working or attending school
- Destroying your property or threatening to hurt or kill your pets
- Intimidating you with guns, knives or other weapons
- Pressuring you to have sex when you don't want to or do things sexually you're not comfortable with
- Pressuring you to use drugs or alcohol

BULLYING INVOLVES

- Imbalance of Power** - people who bully use their power to control or harm and the people being bullied.
- Intent to Cause Harm** - actions done by accident are not bullying, the person bullying has a goal to cause harm.
- Repetition** - incidents of bullying happen to the same person over and over by the same person or group.

Who is a Bully?

Anyone can be a bully by using the following techniques to intimidate, embarrass, belittle or harass someone.

- Verbal** - name-calling, harassing someone, spreading rumors or making degrading comments
- Social** - spreading rumors, leaving people out on purpose, interfering negatively on other relationships
- Physical** - hitting, punching, shoving or by using threatening looks or gestures
- Cyber bullying** - using the Internet, mobile phones or other digital technologies to harm others

When bullying becomes physical or sexual and causes harm or damage to property or makes you feel afraid to attend classes, it can be considered to be an assault or harassment.

Are Being Bullied?

If you experience any of the following feelings caused by someone, you may be a victim of bullying.

- Feel angry, sad, lonely, or depressed
- Feel like you have no friends.
- Fired that you are getting into fights.
- Want to hurt someone else or yourself.
- Feel like taking steps to defend yourself.
- Feel helpless to stop the bullying.
- Feel hopeless that anything can be done.
- Be afraid to go to be on campus, or feel anxious all the time.
- Feel bad about yourself.

WHAT IS DATING VIOLENCE

- shows abusive, controlling or aggressive behavior.
- displays verbal, emotional, physical, or sexual abuse.
- monitors your activities and demands explanations for your whereabouts.
- shows extreme jealousy and controls your relationships with others.
- belittles you by criticizing you while alone or in front of others.
- controls the relationship by making decisions for you.
- Shows disrespect by not listening or displays a lack of interest when you talk.
- physically threatens or hurts you.

TAKE A STAND AGAINST

Controlling Behaviors

- Not letting you hang out with friends
- Checking often to find out where you are, who you are with and what you are doing
- Telling you what to wear
- Needing to be with you all the time
- Checking your phone or Facebook

Verbal or Emotional Abuse

- Calling you names
- Jealousy
- Belittling you—cutting you down
- Threatening to hurt you, someone in your family or himself/herself if you don't do what he or she wants.

Physical Abuse

- Shoving
- Punching
- Slapping
- Pinching
- Kicking
- Hair Pulling
- Strangling

If you or someone you know is a victim

- Tell a Counselor or College Administrator
- For Students - Contact the Dean or Students 620-223-2700 ext. 3500
- Talk to a reliable friend who can help you with the next steps to report and seek assistance
- Contact one of the many resources listed in the brochure directly

Tips for Ending an Abusive Relationship

- Create a safety plan, like where you can go if you are in danger.
- Make sure you have a working cell phone handy in case you need to call for help.
- Create a secret code with people you trust. That way, if you are with your partner, you can get help without having to say you need help.
- If you're breaking up with someone you see at your high school or college, you can get help from a guidance counselor, advisor, teacher, school nurse, dean's office, or principal. You also might be able to change your class schedules or even transfer to another school.
- If you have a job, talk to someone you trust at work. Your human resources department or employee assistance program (EAP) may be able to help.
- Try to avoid walking or riding alone.
- Be smart about technology. Don't share your passwords. Don't post your schedule on Facebook, and keep your settings private.
- If you are ending a long-term or a live-in dating relationship, you may want to read our section on domestic and intimate partner violence.

Be an Active Bystander

- Help the victim by encouraging them to get help and that you will help them.
- Safely intervene to point out unacceptable behavior.
- Ask a college official for help. You can make a positive difference in someone's life.
- Encourage the victim to contact the counselors for emotional assistance and guidance.
- Encourage the victim to go to the police for safety and help.

Fort Scott Community College Hate Crime, Discrimination and Sexual Misconduct Policy

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1. Statement of Institutional Values

Hate crimes, discrimination and sexual misconduct of any form is a violation of a person's rights, dignity and integrity. An act of any of the aforementioned represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Such acts are harmful and illegal and will not be tolerated at Fort Scott Community College. Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the college community and are against FSCC policy.

All members of Fort Scott Community College should be free from hate crimes, discrimination and/or sexual misconduct in the classroom; the social, recreational and residential environment; and the workplace. FSCC seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program, the endorsement of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable, and accessible to all. In response to any reported sexual misconduct, the college will take all appropriate steps to eliminate the misconduct, prevent its recurrence and address its effects.

In order to foster a climate of respect for oneself and for one another and provide for the safety and security of our community, the college expects all community members to take action to these prevent acts. Creating a safe campus environment is the responsibility of all members of the college community, both individually and collectively.

In order to foster a climate that encourages reporting of sexual misconduct, the college will actively educate the community, respond to all allegations promptly, will provide interim measures to address safety and emotional well-being, and will act in a manner that recognizes the inherent dignity of the individuals involved.

In order to achieve equitable results, FSCC will carefully review and/or investigate all reports with an earnest intent to understand the perspective and experiences of each individual involved, and provide for fair and impartial evaluation and resolution.

2. Purpose of Policy

The purpose of this policy is to provide the Fort Scott Community College with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions of prohibited conduct. The policy applies to all community members, including students, faculty, and staff. It is intended to protect and guide students, faculty and staff who have been affected by sexual misconduct, whether as a Complainant, a Respondent, or a third party.

When used in this policy, a complainant refers to the individual who believes him, herself, theirselves to have been the subject of sexual misconduct. A respondent refers to the individual who has been accused of sexual misconduct. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else. A report refers to any incident or concern regarding sexual misconduct that is reported to the college. A complaint is an allegation of sexual misconduct filed against a faculty or staff member or student that initiates the appropriate disciplinary process.

In addition to defining hate crimes and sexual harassment and the forms of sexual misconduct that violate the standards of our community, this policy will also:

- Identify resources and support for all members of the FSCC community;
- Identify the Title VI and Title IX Coordinators;
- Provide information about where a college community member can obtain support or access resources in a confidential manner;
- Provide information about how a college community member can make a report on-campus or off-campus; and,
- Provide information about how a report against a college community member will be investigated, evaluated and resolved.

3. Scope

As stated above, this policy applies to all members of Fort Scott Community College, including students, employees, and visitors. When used in this policy, the employee generally refers to both staff and faculty members. Visitors and others who conduct business with the college or on college property are also expected to comply with this policy.

All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the FSCC community have a responsibility to adhere to college policies and local, state and federal law.

As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the college community or the college fall under this policy.

Any individual may make a report alleging a violation of this policy. The college will provide resource options and respond promptly and equitably to all allegations of sexual misconduct. The college will engage in a Title VI and/or IX review throughout which it is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community as a whole.

4. Coordination with Non-Discrimination Policy

The College recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, or disability. Targeting individuals on the basis of these characteristics is also a violation of the community standards. Under these circumstances, the college will coordinate the investigation and resolution efforts to address harassment related to the

targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability.

II. Notice of Non-Discrimination

The College is committed to establishing and maintaining an environment free of all forms of harassment and discrimination for all college community members. The college does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, or any other protected class.

In accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, and the Regulations of the U.S. Department of Health and Human Services issued pursuant to these statutes at Title 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91, and 28 CFR Part 35, Fort Scott Community College does not discriminate on the basis of any characteristic protected by law (such as sex, disability, age, race, color, or national origin) in all aspects of employment, admission, and participation in its education programs or activities. Inquiries concerning Fort Scott Community College's compliance under these laws, should be directed to contact the College's Compliance Officer/Human Resources Director, Fort Scott Community College, Fort Scott, Kansas 66701 (620) 223-2700.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, and other state and federal applicable statutes.

This policy prohibits sexual misconduct against all Fort Scott Community College, members of any gender or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

III. College Statement on Privacy

The college is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. In any Title VI and IX review of an allegation of discrimination and/or sexual misconduct, every effort will be made to protect the privacy and interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation. Such a review is essential to protecting the safety of the complainant, the respondent, and the broader campus community and to maintaining an environment free from sexual discrimination.

At all times, the privacy of the parties will be respected and safeguarded. Information related to a report of misconduct will be shared only with those college employees who “need to know” in order to assist in the investigation and/or resolution of the complaint. All college employees who are involved in the Title VI and IX review process, including conduct board hearing members, will receive specific training regarding the safeguarding of private information. Students or employees wishing to obtain confidential assistance through on-campus or off-campus resources without making a report to the college may do so by speaking with professionals who are obligated by law to maintain confidentiality. As a reminder, students may seek confidential assistance on campus through the Office of Human Resources, the Office of the Dean of Students, and the FSCC Advising Department. Employees may seek confidential assistance through the Office of Human Resources.

When the college has received a report of discrimination and/or sexual misconduct, but the Complainant requests that his/her identity remain confidential or that the college not pursue an investigation, the college will balance this request with its responsibility to provide a safe and non-discriminatory environment for all college community members. The college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. At all times, the college will seek to respect the request of the complainant, and where it cannot do so, the college will consult with the complainant and keep him/her/them informed about the chosen course of action.

If a report of misconduct discloses an immediate threat to the college campus community, the college may issue a timely notice of the conduct to the community to protect the health or safety of the broader campus community. This notice will not contain any biographical or other identifying information. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to college students, faculty, administrators, staff, or visitors. All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title VI, Title IX, and College policy. No information shall be released from such proceedings, except as required or permitted by law or college policy.

IV. Prohibited Conduct and Definitions

The college prohibits discrimination and sexual misconduct. Sexual misconduct is a broad term that includes, but is not limited to sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, bullying and cyber-bullying, aiding or facilitating the commission of a violation, and retaliation.

Consistent with the values of an educational and employment environment free from harassment based on sex, disability, age, race, color, or national origin sex, the college also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

1. Definition of Sexual Harassment

- Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:
 - (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in social or extracurricular activities;
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual;
or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic or social environment. The effect will be evaluated based on the perspective of a reasonable person in the position of a Complainant.
- A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

2. Forms of Prohibited Sexual Harassment

Sexual harassment is prohibited. In some cases, sexual harassment is obvious and may involve an overt action, a threat or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

Sexual harassment can take many forms:

- It can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff) or between persons of unequal power status (e.g. supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).
- It can be committed by an individual or may be a result of the collective actions of an organization or group.
- It can be committed against an individual, an organization or a group.
- It can be committed by an acquaintance, a stranger, or someone with whom the Complainant has a personal, intimate or sexual relationship.
- It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- It does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Examples of behavior that might be considered misconduct include, but are not limited to:

- Unwanted or inappropriate sexual innuendo, propositions, sexual attention or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender; insults and threats based on sex or gender; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of e-mails or Web sites of a sexual nature.
- Non-academic display or circulation of written materials or pictures degrading to an individual(s) or gender group (It is expected that instructors will offer appropriate warning regarding the introduction of explicit and triggering materials used in the classroom.);

- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures;
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity/expression, or sexual orientation;
- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors;
- Sexual assault;
- Abusive, disruptive or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender and/or in the context of intimate partner violence;
- Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings; and
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived sexual orientation or gender identity of the harasser or target.

3. Additional Forms of Prohibited Sexual Misconduct

Sexual misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors that violate FSCC's community standards and a person's rights, dignity and integrity.

- **Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion. Sexual violence may involve individuals who

are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to:

- Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
- Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
- **Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or may involve individuals not known to one another. Examples include, but are not limited to:
 - Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
 - Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
 - Prostituting another individual;
 - Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge; and
 - Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- **Stalking:** A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or

place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

- **Aiding or Facilitating:** Aids, facilitates, promotes or encourages the commission of a violation under this policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Taking action may include direct intervention, calling FSCC Security or local law enforcement, or seeking assistance from a person in authority.
- **Retaliation:** Acts or attempts to retaliate or seek retribution against the Complainant, Respondent, or any individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation may include continued abuse or violence, other forms of harassment, and slander and libel.

4. Statement on Consent, Coercion, Incapacitation, and Alcohol

Consent to engage in sexual activity must be knowing and voluntary. Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. For example, an individual may agree to kiss, but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. In the absence of an outward demonstration, consent does not exist. If at any time it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time such activity occurs.

Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

In the state of Kansas, consent can never be given by minors under the age of 16. Having sex with someone under age 16 falls under one of several criminal laws: Sexual intercourse with someone under age 14 in Kansas is classified as rape, a level 1 felony, regardless of other circumstances.

Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

An individual who is incapacitated is not able to make rational, reasonable judgments and have therefore been incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she/they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other

person's level of intoxication. The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

The college considers sexual contact while under the influence of alcohol to be risky behavior. Alcohol impairs a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

V. Resources

1. Overview

Fort Scott Community College is committed to treating all individuals with dignity, care and respect. Any individual affected by sexual misconduct, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the college. The college recognizes that any individual involved in an incident of sexual misconduct and/or discrimination may have questions and we encourage the FSCC community to seek the support of campus and community resources. The college can provide guidance in making decisions, obtaining information about available resources, and assisting either party in the event that a report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

Complainants, Respondents and third parties can expect:

- The opportunity to meet with the Title VI and IX Coordinator; Human Resources; and/or the Dean of Students.
- Notice of confidential resources, including health care and mental health counseling services, on campus and in the local community.
- Notice of the option to pursue law enforcement action and to be assisted by FSCC security or other college officials in accessing and communicating with such authorities. This notice will include a discussion of the importance of the preservation of evidence.

- The opportunity to request that the college take steps to prevent unnecessary or unwelcome contact or communication with another member of the FSCC community.
- The right to be free from retaliation. Any concerns of retaliatory behavior should be immediately reported to FSCC officials, Fort Scott Police Department , or the Title VI and IX Coordinators.

2. Confidential Resources and Support

- The College encourages all FSCC community members to report an incident of discrimination and/or sexual misconduct. The college recognizes, however, that there are many barriers to reporting, both individual and societal, and not every individual will choose to make a formal report with the college or with local law enforcement. For those individuals who are not prepared to make a report, there are several confidential resources available for students, staff and faculty. Individuals seeking to talk to someone about an incident of discrimination and/or sexual misconduct in a confidential manner without making a report to the college or triggering any investigation or action by the college may utilize the following confidential medical, mental health, and clerical resources. These resources hold a statutorily protected confidentiality that prohibits the release of an individual’s information without that individual’s express consent (except under limited circumstances that pose an imminent danger to the individual or to others.) The following resources are confidential:

On-Campus	Off-Campus
<p>If you need help or need to report a violent act such as bullying, domestic or dating violence, sexual assault, stalking or substance abuse for a student contact:</p> <p>FSCC’s Dean of Students and Title VI and IX Student Coordinator- Tom Havron tomha@fortscott.edu 620-223-2700 ext. 3500</p> <p>FSCC Human Resource Director and Title VI and IX Employee Coordinator- Julie McDaniel juleym@fortscott.edu 620-223-2700 ext. 5201. In an emergency contact the Fort Scott Police Department at 620-223-8110</p>	<p>The National Domestic Violence Hotline 24/7 Confidential Hotline: 800-799-SAFE (7233) www.thehotline.org</p> <p>Kansas Resources</p> <p>Kansas Coalition against Sexual & Domestic Violence 634 SW Harrison Street Topeka, KS</p>

	66603 Hotline: 1 (888) 363-2287 Office: (785) 232-9784 Fax: (785) 266-1874 Website: www.kcsdv.org The Kansas Crisis Hotline: 1-888-363-2287 The Kansas Crisis Hotline is a toll-free, 24-hour statewide hotline linking victims of domestic violence and sexual assault to local services.
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3. Campus Resources

In addition to the confidential resources listed above, all FSCC community members have access to a variety of resources provided by the college. All of the staff and faculty listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX Coordinator consistent with the college’s commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will nevertheless maintain the privacy of an individual’s information within the limited circle of those involved in the Title IX resolution process.

FSCC Security Nathan Collins 620-224-7207 Dean of Students Office / Cell Phone Tom Havron 620-223-2700 ext. 3500	Title VI and IX Coordinator 620-223- 2700 ext. 7230
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4. Community Resources

Students, faculty and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system. All individuals are encouraged to utilize the resources that are the best suited to their needs, whether on or off campus. In

general, off-campus resources can provide assistance to individuals wishing to make a report to the college, but will not notify the college without the consent of the Complainant.

VI. Reporting

All College employees, including faculty, staff, and administrators, student employees who have a responsibility for student welfare, and student volunteers who have a responsibility for student welfare, are required to share with the Title VI and IX coordinators, Director of Human Resources and /or the Dean of Students any report of sexual misconduct they receive or of which they become aware.

All FSCC employees, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of discrimination or sexual misconduct to the Title VI and IX coordinator, Director of Human Resources and /or the Dean of Students.

The aforementioned will ensure that the college responds to all reports in a timely, effective and consistent manner.

The college will promptly and thoroughly investigate and respond to all reports of sexual misconduct. The college will respond to all reports in an integrated, consistent manner that treats each individual with dignity and respect. The college will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

The college also recognizes that the decision whether or not to report sexual misconduct is personal, and that there are many barriers to reporting, both individual and societal. Not every individual will be prepared to make a report to the college or to law enforcement, and individuals are not expected or required to pursue a specific course of action. However, all FSCC employees who are aware of or witness discrimination, harassment, sexual misconduct or retaliation is required to promptly report to the Title VI and IX coordinators, Human Resources Director and/or the Dean of Students [of the Education Amendments of 1972] .

An incident does not have to occur on campus to be reported to the college. Off-campus conduct that adversely affects the college also falls under this policy.

An individual does not have to decide whether or not to request disciplinary action at the time the report is made. The college recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The college will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination.

As outlined in the Resources section of this policy, there are confidential resources on campus and in the community available to individuals not wishing to make a report to the college. Information shared with these confidential resources will not be reported to the college.

As outlined in the Statement on Privacy, the college respects the privacy interests of student, faculty, and staff. All information reported will be shared only with those college employees who will assist in the investigation and/or resolution of the complaint.

1. Emergency/Immediate Reporting Options

- The college encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigation and remedial response. The college will assist any FSCC member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about the College's resources and complaint processes.
- Assistance is available from the college 24 hours a day, year-round by calling the Fort Scott Police Department. Any individual can request that a member of the FSPD to respond and take a report.
- A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health care concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to

gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through the college’s complaint processes or through the pursuit of criminal action.

Emergency Response	Health and Safety
<p>911</p> <p>FSCC Security Nathan Collins 620-224-7207</p> <p>Dean of Students Office / Cell Phone</p> <p>Tom Havron 620-223-2700 ext. 3500 / 417-540-1483</p>	<p>Mercy Hospital of Fort Scott 401 Woodland Hills Boulevard, Fort Scott, KS 66701 (620)223-2200</p>

2. Campus Reporting Options

The college recognizes that a student or employee may choose to report sexual misconduct to *any trusted* employee of the college. For example, a student may choose to confide in a resident assistant, a faculty member, or a coach, all of whom are considered “responsible employees” who must report the incident under this policy. An employee may choose to confide in a supervisor, also considered a “responsible employee.” Under this policy, *any* employee who receives a report of sexual misconduct must share the report with the Title VI or IX Coordinators; Human Resources; and/or the Dean of Students Coordinator. Each is specifically charged with investigating and responding to allegations of sexual misconduct.

To enable the college to respond to all reports in a prompt and equitable manner, the college encourages all individuals to directly report any incident of discrimination and/or sexual misconduct to the Title IX Coordinator; Human Resources; and/or the Dean of Students Coordinator.

3. Reporting Patterns of Sexual Harassment

In the event that an individual believes that he/she/they may be experiencing behavior that points to a pattern of sexual harassment, he/she/they should document that behavior and report it to the Title IX Coordinator; Human Resources; and/or the Dean of Students.

4. Time Frame for Reporting

Individuals are encouraged to report sexual misconduct immediately in order to maximize the college's ability to respond promptly and equitably. The college does not, however, limit the time frame for reporting. The college will not be able to pursue disciplinary action against an individual who is no longer affiliated with the college. Under those circumstances, the college will still conduct a Title IX review.

5. Coordination with Law Enforcement

The college encourages Complainants to pursue criminal action for incidents of hate crimes and/or sexual misconduct that may also be crimes under Kansas law. In every case of sexual violence, the college, will notify the Fort Scott Police Department of the allegations. The college will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. However, a complainant may also choose not to pursue criminal action, and under most circumstances, the Fort Scott Police Department will not force a complainant to pursue charges if he/she/they are not willing to do so.

The college's policy, definitions and burden of proof may differ from Kansas criminal law. A complainant may seek resolution through the College's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual misconduct under this policy has occurred. Proceedings under the college's Sexual Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

6. Amnesty for Students Who Report Discrimination and Sexual Misconduct

The college encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The college recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for his/her/their own conduct. An individual who reports sexual misconduct, either as a complainant or a third party witness, will not be subject to disciplinary action by the college for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The college may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. The amnesty policy applies to the college's student conduct process.

7. Bystander Intervention

The college expects all community members to take reasonable and prudent actions to prevent or stop an act of discrimination or sexual misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the college and protected from retaliation.

8. Statement Against Retaliation

It is a violation of college policy to retaliate in any way against an individual or a group because the individual or group of individuals reported an allegation of sexual misconduct. The college recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a respondent can also be the subject of retaliation by the complainant or a third party. The college will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate. An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

VII. Interim Measures

Upon receipt of a report, the college will provide interim support and reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. The college will determine the necessity and scope of any interim measures. Even when a complainant or respondent does not specifically request that protective action be taken, the college may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader college community or the integrity of the review process. Students seeking such assistance should speak with **FSCC's and Title VI and IX Student Coordinator(Dean of Students)** -Tom Havron tomha@fortscott.edu 620-223-2700 ext. 3500 / 417-540-1483. **FSCC Human Resource Director and Title VI and IX Employee Coordinator**-Julie McDaniel juleym@fortscott.edu 620-223-2700 ext. 5201 the Title IX Coordinators will coordinate such requests on the behalf of the student. The college will maintain contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The college will take immediate and responsive action to enforce measures previously ordered or implemented by the college.

The college may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim measures may include:

No Contact Order: A complainant or respondent may request, or the college may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communications and contact restrictions generally preclude in person, telephone, electronic or third party communications. In some cases, an individual may also wish to consider an Abuse Prevention Order or a Harassment Prevention Order from the local courts. This is a civil proceeding independent of the college. If a court order is issued the college will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on campus compliance with the order. The college may also limit an individual or organization's access to certain college facilities or activities as part of the no contact order.

Academic, Employment or Residence Modifications: A complainant or respondent may request an academic or employment, accommodation or a change in residence after a report of discrimination and/or sexual misconduct. An individual who requests assistance in changing their academic or living situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

- Academic accommodations, including a change in the class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
- Change of dormitory assignment;
- Change in work assignment or schedule;
- Providing an escort to ensure safe movement between classes and activities.

Emotional Support: The college may provide a referral to off campus agencies as detailed in the Campus and Community Resources section of this policy.

Interim Separation: Where the report of discrimination and/or sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the college may place an individual or an organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the college will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

VIII. Title VI and IX Review

1. Role of the Title VI and IX Coordinator

The President of the college has appointed the Dean of Students to serve as the Title VI and IX Student Coordinator. In the role as Title VI and IX Coordinator, they oversee the college's centralized review, investigation and resolution process for reports of sexual misconduct and discrimination. They also coordinate the college's compliance with Title VI and IX. The Title VI and IX coordinator are supported by several college administrators who serve on the administrative team. Each is knowledgeable

and trained in state and federal laws that apply to matters of Title VI and sexual harassment, as well as college policy and procedure.

The Title VI and IX Coordinator can be contacted by telephone, e-mail, or in person during regular office hours:

FSCC Dean of Students and Title VI and IX Student Coordinator-Tom Havron tomha@fortscott.edu 620-223-2700 ext. 3500 / 417-540-1483
FSCC Human Resource Director and Title VI and IX Employee Coordinator-Julie McDaniel juleym@fortscott.edu 620-223-2700 ext. 5201

The duties and responsibilities of the Title IX Coordinators; Human Resources; and Dean of Students include training, education and climate checks as well as the oversight of procedures that promptly and equitably eliminate discrimination and sexual harassment, prevent its recurrence and address its effects on individuals and our community. The Title VI and IX Coordinator; Human Resources; and the Dean of Students will:

- Oversee the investigation and resolution of all reports of discrimination and sexual misconduct;
- Meet with any individual, whether a Complainant, a Respondent, or a third party, to discuss interim measures, resources, and procedural options on and off campus;
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures;
- Conduct on-going and annual climate checks, tracking, and monitoring of sexual misconduct allegations on campus; and,
- Coordinate all training, education and prevention efforts.

1. Role of the Title VI and IX Team

While a report may emerge through many sources, the college is committed to ensuring that all reports are brought to the college's Title VI and IX team's attention. This team, led by the Title VI and IX Coordinator, ensures consistent application of the policy to all individuals and allows the college to respond promptly and equitably to eliminate the misconduct, prevent its recurrence and address its effects. The Title IX team coordinates the review, investigation and resolution of the report and

ensures that all appropriate interim measures are implemented. Members of the Title VI and IX team include: Title VI and IX Coordinator; Human Resources; the Dean of Students and others as may be necessary.

College policy requires that *any* employee who receives a report of discrimination and/or sexual misconduct bring the report to the Title VI and IX Coordinator or a member of the Title VI and IX team.

The Title VI and IX team oversees the resolution of reported misconduct through the college's complaint processes. The process will be determined by the role of the Respondent:

- Complaints against students will be resolved by the Student Complaint Process.
- Complaints against faculty and employees will be resolved by the Faculty/ Employee Complaint Process.

Each process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as complainants or respondents, to provide guidance throughout the investigation and resolution of the complaint.

2. Investigation

The College will address all reports of discrimination and sexual misconduct. The Title VI and IX team, under the leadership of the Title VI and IX Coordinator; Human Resources; and the Dean of Students, will oversee the college's Title VI and IX review process.

In every report of discrimination and/or sexual misconduct, the college, through a Title VI or IX team member will make an initial assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

The college's responsibility to review and respond to all allegations of misconduct exists regardless of whether that review culminates in additional investigation or goes before a Hearing Board, and exists independently of the criminal justice process.

The Title VI or IX team member may determine if an investigation of the report of discrimination or sexual misconduct should be conducted. This determination is based on a variety of factors, such as the complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation. The Title VI or IX team member may designate an investigator of its choosing. Any investigator used by the college, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct.

The investigator will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator may also consider prior allegations of, or findings of responsibility for, discrimination and/or sexual misconduct by the respondent. In gathering such information, the investigator will comply with applicable laws and Fort Scot Community College policies. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect.

As described in the Privacy section, all college investigations will respect individual privacy concerns.

Information gathered during the investigation will be used to evaluate the responsibility of the respondent, provide for the safety of the individual and the college campus community, and impose remedies as necessary to address the effects of the alleged conduct. Any investigative report will serve as the foundation for all related resolution processes.

3. Request for Confidentiality

- Where the college has received a report of discrimination and/or sexual misconduct, but the complainant requests that his/her identity remain confidential or that the college not pursue an investigation, the college must balance this request in the context of its responsibility to provide a safe and non-discriminatory environment for all college community members. The college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality. Under these circumstances, the college will weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment, any potential threats to community safety, the respective ages and positions of the complainant and the respondent, whether there have been

other harassment complaints against the respondent, and the respondent's right to receive information under applicable law.

- At all times, the college will seek to respect the request of the complainant, and where it cannot do so, the college will consult with the complainant and keep him/her/them informed about the chosen course of action.

4. Time Frame for Resolution

The investigation and resolution (including appeal) of all reports will generally be completed within 60 to 90 days. Extenuating circumstances, including the complexity and severity of a complaint may arise that require the complaint process to extend beyond 60 to 90 days. In general, a complainant and respondent can expect to receive periodic updates as to the status of the review or investigation.

In the event that the investigation and resolution exceed this time frame, the college will notify all parties of the need for additional time and best efforts will be made to complete the process in a timely manner.

Appendix A: Procedures for Addressing Complaints

FORT SCOTT COMMUNITY COLLEGE PROCEDURES FOR ADDRESSING DISCRIMINATION AND/OR SEXUAL MISCONDUCT COMPLAINTS AGAINST STUDENTS UNDER THE STUDENT CONDUCT PROCESS

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I. Introduction

The college has established a Non-Discrimination and Sexual Misconduct Policy that articulates the college's set of behavioral standards, common understandings of definitions and key concepts and descriptions of prohibited conduct. The policy also outlines the college's approach to addressing reports of discrimination and sexual misconduct which may include responding to a complaint filed under the Student Conduct Process. Below are the procedures for adjudicating a sexual misconduct complaint against a student through the Student Conduct Process.

II. Preliminary Matters

a. Timing of Complaints:

So long as the respondent is a student at the college as defined in the Student Conduct Process, there is no time limit to filing a complaint to engage the Student Conduct Process. However, students are strongly encouraged to report discrimination and

sexual misconduct in a timely manner to maximize the college's ability to obtain evidence, and conduct a thorough, impartial and reliable investigation. Where the respondent is graduating, the college may withhold that student's Fort Scott Community College degree pending conclusion of the student conduct proceedings.

b. Effect of Criminal Proceedings:

The filing and processing of a complaint of sexual misconduct is independent of any criminal investigation or proceeding. The college will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and proceedings outlined herein. Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual misconduct under the College policy occurred.

c. Effect of Pending Complaint on Respondent:

If the Respondent is a current student, no notation will be placed on the Respondent's transcript of a complaint or pending disciplinary action during the Student Conduct Process. If the Respondent withdraws from the college while a discrimination and/or sexual misconduct complaint is pending, the Respondent's transcript will reflect a withdrawal and a notation of pending disciplinary action subject to modification to reflect the outcome of the disciplinary action.

d. Amnesty:

An individual who files a sexual misconduct complaint or serves as a third party witness during the Student Conduct Process will not be subject to disciplinary action by the college for his or her own personal consumption of alcohol or drugs at or near the time of the alleged sexual misconduct, provided that such violations did not and do not place the health or safety of any other person at risk. The college may initiate educational discussion or pursue other educational remedies regarding alcohol or other drugs.

e. Attorneys:

The complainant and respondent have the right to consult a private attorney, at their own expense, regarding a complaint. Attorneys cannot participate in the Hearing Board process. Attorneys may be present on campus during a hearing; however, they are required to remain outside of any hearing room. An attorney may be present to provide legal counsel to the Chair and to the Hearing Board members.

f. Agreements Not Recognized by the College:

Other than a judicial order, the college will not recognize agreements between the complainant and respondent in which the college did not participate.

g. Time Frames:

Generally the College will attempt to complete the process in 60-90 days. However, the time frames set forth in these procedures are meant to provide guidance and the college may alter or extend time frames, with notice to the parties, as appropriate.

h. Communications:

All communications and notices required by these procedures may be made electronically, in hard copy, or in person.

III. Initiating a Complaint

a. Type:

1. Individual

A person, who has experienced an incident of discrimination and/or sexual misconduct, as defined in the Nondiscrimination and Sexual Misconduct Policy, may file a complaint against the Fort Scott Community College student responsible for that conduct. "Person" may include any member of FSCC, including students, faculty, administrators, and staff members, visitors, or members of one of the constituent colleges associated with FSCC.

2. Administrative

In exceptional cases, such as cases threatening community safety, the college may initiate a complaint through the Dean of Student Conduct against a student of the College. As set forth in the Sexual Misconduct Policy, reports of sexual misconduct undergo a Title VI and IX Review to determine the appropriate response.

IV. Filing Requirements

The person bringing the allegation is called the complainant. The complainant will submit a Complaint Form (paper or electronic format) to the Title VI or IX Coordinator, Human Resources Director and/or the Dean of Students. The Complaint Form should contain sufficient information to permit the respondent to understand the charges being brought and to be able to adequately respond. The Complaint Form may not reflect every detail related to the allegations in the complaint as additional information may be discovered during the investigation.

V. Information for Complainant

After receipt of the complaint, the Dean of Students or designee will notify the complainant of the option to have an advisor provided by the college and will give the complainant a list of advisors from which to select. The Dean of Students or designee will also provide complainant information regarding the rights and responsibilities of the complainant and the respondent, explain the prohibition against retaliation, explain the Hearing Board process, instruct the complainant not to destroy any potentially relevant documentation in any format, and give the complainant a copy of the relevant policies.

VI. Interim Measures

Upon the filing of a complaint, the Dean of Students or designee will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. The range of interim measures may include, but not be limited to:

1. No Contact Order

2. Academic, Employment or Residence Modifications
3. Emotional Support
4. Interim Suspension

VII. Withdrawal of Complaint

Prior to a hearing before the Hearing Board, the complainant may withdraw the sexual misconduct complaint. Withdrawal of the complaint will, in most circumstances, end the Student Conduct Process. The college reserves the right to move forward with the complaint, even after the complainant withdraws it, in order to protect the interests and safety of the college community.

VIII. Responding to a Complaint

a. Notification of Respondent:

The person against whom the complaint is filed is called the respondent. The respondent will be notified that a complaint alleging sexual misconduct has been filed against him/her/them.

b. Information for Respondent:

Within 3 days of receiving notice of the complaint, the respondent must meet with the Dean of Students or designee. The Dean of Students or designee will provide the respondent with a copy of the Complaint Form, discuss the nature of the complaint, provide the option to select an advisor, explain the rights and responsibilities of the complainant and the respondent, explain the prohibition against retaliation, explain the Hearing Board process, instruct the respondent not to destroy any potentially relevant documentation in any format, and give the respondent a copy of the relevant policies. If the respondent fails to meet and cooperate with the Dean of Students or designee or investigator, the adjudication of the complaint will proceed without input from the respondent.

c. Acceptance of Responsibility:

After reviewing the Complaint Form and meeting with the Dean of Students or designee, the respondent may choose to end the student conduct process by accepting responsibility for the conduct alleged in the Complaint Form. If the respondent accepts responsibility for the conduct alleged in the Complaint Form, the process may, but will not necessarily, proceed to the investigation phase. The Dean of Students or designee will initiate the Hearing Board process to determine an appropriate sanction for the respondent. If the respondent disputes the allegations of the complaint, the matter will proceed to an investigation.

At any point in the process, the respondent may accept responsibility for the conduct alleged in the complaint. In such cases, the process will immediately move to the Hearing Board for a decision regarding sanctioning. The Dean of Students may impose discipline for witnesses who do not comply with the institutions request for testimony.

IX. Investigation Phase

a. Investigator:

The Dean of Students or designee will designate an investigator of its choosing to conduct a thorough, impartial and fair investigation. The investigator chosen will have specific training and experience investigating allegations of sexual misconduct.

b. Investigation Process:

The investigator will coordinate the gathering of information from the complainant, respondent, and other individuals or entities with relevant information regarding the complaint using any of the following processes. The investigator will share with the complainant and respondent for comment or rebuttal information and documentation considered material to the findings related to the complaint.

1. Document/Records Review

In addition to reviewing any documents submitted by the complainant and respondent, the investigator will try to obtain such other physical or medical evidence relevant to the investigation as the investigator determines, in his or her judgment, to be necessary, including but not limited to documents, police records, electronic or other record of communications between the parties or witnesses, records or other relevant information. In obtaining such evidence, the investigator will comply with applicable laws and Fort Scott Community College policies.

2. Site Visits

The investigator may visit relevant sites or locations and record observations through written or photographic documentation.

3. Complainant and Respondent Interviews

The investigator will interview the complainant and the respondent separately and may interview one or both more than once as necessary. The complainant and respondent may be accompanied by their respective advisors.

4. Witness Interviews

The investigator will make a good faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the college. The investigator may also interview any other individual he or she finds to be potentially relevant to the allegations of the complaint. The Investigator will inform each witness or other individual interviewed that they are prohibited from retaliating against the complainant and the respondent or other witnesses.

5. Experts

The investigator may contact any expert the investigator determines is necessary to ascertain the facts related to the complaint. An expert witness may be contacted for an informal consult or for a professional opinion regarding information learned from the investigation.

c. Report:

1. Contents

The investigator will prepare an investigative report summarizing and analyzing the relevant facts determined through the investigation, referencing any supporting documentation or statements. The investigative report may include summaries of interviews with the complainant, respondent, third-party witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records and forensic evidence. The Investigator may provide a summary of his/her impressions, including context for, the evidence, but will not make a determination as to whether a violation occurred, reserving that decision for the Hearing Board.

2. Distribution to Parties

The Dean of Students will provide the complainant and the respondent with a copy of the investigative report before the Hearing.

X. Resolution

a. Voluntary Resolution:

A complainant and a respondent may choose to resolve a complaint through voluntary resolution. Voluntary resolution may include conflict mediation or a restorative conference with a college community member. However, voluntary resolution may only be used:

1. Prior to a Notice of Hearing being issued;
2. When the Dean of Students or designee determines this is a suitable option for resolving the concern, and both the complainant and respondent agree to use the process;
3. When the complaint does not involve sexual violence as defined in the Nondiscrimination and Sexual Misconduct Policies.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by the parties involved, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Dean of Students or designee to the Hearing Board. No statements made during the voluntary resolution process may be introduced before the Hearing Board.

b. Sexual Misconduct and Discrimination Hearing Process:

1. Composition of Hearing Board

Hearings to address complaints of sexual misconduct or discrimination shall be conducted by the Sexual Misconduct or Discrimination Hearing Board, except that the President may conduct a hearing if a full Hearing Board cannot reasonably be convened. The Hearing Board for a particular hearing is comprised of three persons that are drawn from a pool of individuals from the community, including all FSCC campuses. All Hearing Board members will have prior experience in, and will receive annual training regarding, the dynamics of sexual misconduct and discrimination, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, and the application of the preponderance of the evidence standard, as well as the college's policies and procedures. The Dean of Students or designee will serve as the non-voting chairperson and as an advisor to the Hearing Board. Hearing Board members shall not consist of faculty, staff or students at Fort Scott Community College.

2. Notice of Hearing

The Dean of Students or designee will issue a Notice of Hearing to the complainant and the respondent electronically or in person. The Notice of Hearing will identify the date, time and place of the hearing and state the names of the persons serving on the Hearing Board for the case. The Notice of Hearing will be sent at least 7 days prior to the hearing date.

3. Pre-Hearing Procedures

a. Meeting with Complainant and Respondent

As soon as possible after issuing the Notice of Hearing, the Dean of Students or designee may meet individually with complainant and respondent and their respective advisors to discuss the hearing process and answer any questions.

b. Deadlines

1. Request to Reschedule Hearing

Either party may request to reschedule the hearing. Requests to reschedule must come directly from the complainant or respondent, must be submitted to the Dean of Students at least 2 days prior to hearing, whenever possible, and must specify the reasons for the request. The Dean of Students will decide whether to grant such request.

2. Request to Remove Board Member

The complainant and respondent may submit written requests to the Dean of Students asking that a member of the Hearing Board be removed if there are reasonable articulable grounds to suspect bias, conflict of interest or an inability to be fair and impartial. The written request must identify the grounds for the removal and be received by the Dean of Students within 3 days following delivery of the Notice of Hearing. The Dean of Students will decide whether to grant such request. Removal of a Hearing Board member may require that the hearing be rescheduled.

3. Witness Lists

If the Complainant or Respondent wishes to call witnesses at the hearing, each must submit a list of witnesses to the Dean of Student or designee serving as Chair of the Hearing Board. Generally, neither party will be permitted to call character witnesses nor any person who was not interviewed by the Investigator. The witness list must be submitted no later than 3 days prior to the hearing date. For any witness not interviewed by the investigator, the following information is required at the time the witness list is submitted:

- Names of witnesses the party intends to call
- A written statement and/or description of what each witness observed
- A summary of why the witness' presence is relevant to making a decision on the complaint
- The reason why the witness was not interviewed by the investigator.

The Dean of Students or designee will determine if there is sufficient justification for permitting a witness who was not interviewed by the Investigator. The Dean of Students or designee may also require that the investigator interview the newly suggested witness. The approved witness list will be shared with the parties and the Hearing Board prior to the hearing.

The Hearing Board may call any witness it deems to have relevant information.

c. Documentation and Evidence

1. Not Provided to Investigator

The complainant or respondent may wish to present additional documentation or other evidence at the hearing that was not provided to the Investigator. Within 3 days they must submit to the Dean of Students or designee serving as Chair of the Hearing Board the list of documents or other evidence. The list of documents must contain the following information:

- Identification and description of the document or other evidence the party intends to present.
- A summary of why the document or other evidence is relevant to making a decision on the complaint.

- The reason why the document or other evidence was not provided to the Investigator.

The Dean of Students or designee will determine if the additional documentation or other evidence is relevant and if there is sufficient justification for permitting its use at the hearing where it was not provided to the Investigator. The Dean of Students or designee may also require that the investigator review the additional documentation or other evidence. If the additional documentation or evidence is approved, it will be shared with the parties and the Hearing Board prior to the hearing.

2. Prior Sexual History, Bad Acts, or Pattern Evidence

In general, in a case where the respondent raises consent as a defense, any prior consensual relationship between the parties may be deemed relevant, but not necessarily determinative. As noted in the Sexual Misconduct Policy, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, prior sexual history of the complainant or respondent will not be allowed. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of respondent, assigning of a sanction. Additionally, a prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct will always be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

If either party wishes to bring forth information concerning the other party's sexual history, bad acts, or pattern evidence, such requests must be made to the Dean of Students. The Dean of Students or designee serving as Chair of the Hearing Board will judge the admissibility of such information. To aid in an advance determination of relevance, the following must be submitted no later than 3 days before the hearing to the Dean of Student Conduct:

- A written statement and/or description of the proposed information, if not already provided during the investigation; and
- A summary of why this information is relevant to making a decision of responsibility at the hearing.

The Dean of Students or designee will determine if the information concerning prior sexual history, bad acts or pattern evidence is appropriate for inclusion at the hearing.

d. Impact Statement

The complainant and the respondent have the right to prepare an Impact Statement to be considered by the Hearing Board while determining sanctions. Impact Statements are optional and are permitted in addition to any information provided during the hearing. Both parties can prepare a written statement and provide it in a sealed envelope to the Chair on the day of the hearing. The statements will only be opened if the respondent is found responsible. Otherwise, they will be destroyed by the Chair.

4. Hearing Requirements

a. Participants

Those who may be present at the hearing are the complainant, the respondent, their respective advisors, investigator, witnesses and other college officials. The investigator and witnesses may only be present in the hearing room when they are providing information to the Hearing Board. The complainant and respondent will be present in the hearing room, unless as prescribed under Alternative Attendance.

b. Attendance

1. Failure to attend

If a party fails to attend a hearing for any reason other than an emergency, the hearing may be held in his or her absence. A student called as a witness who fails to testify may be found responsible and expulsion from the college will be considered.

2. Alternative Attendance

A complainant or respondent may also request participation in the hearing by other suitable means that would not require physical proximity to the other. This can include, but is not limited to, partitioning a hearing room or using technology to facilitate participation. The Hearing Board may also allow for witnesses to appear through other technological means. All

requests to participate in the hearing other than in person must be reviewed in advance by the Dean of Students or designee as Chair to ensure compliance with a fair and equitable process.

c. Standard of Proof

The Hearing Board will determine the respondent's responsibility by a preponderance of the evidence standard which is whether the information provided at the hearing supports a finding that it is "more likely than not" that the respondent is responsible for the alleged violation(s).

d. Recording Proceedings

Hearings before the Hearing Board are audio-recorded for the purpose of 1) reference by the Hearing Board or Chair during deliberations, 2) review by the Provost or appeals panel during an appeal, 3) to serve as the official record of the hearing, and 4) to be available to the Complainant or Respondent should either wish to file an appeal. The Hearing Board's deliberations are not audio-recorded.

5. Conducting the Hearing

a. Call to Order

The Dean of Students or designee serving as the Chair of the Hearing Board will call the hearing to order. The Chair will explain the hearing process and provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information. The Chair will ask each individual present to state their name and identify their role during the hearing.

b. Confidentiality

The Chair will inform parties that the proceedings are confidential as required under the Family Educational Rights and Privacy Act (FERPA) and that information received at the hearing should not be shared outside the hearing room except as allowed by FERPA or other applicable law.

c. Investigator Presentation

The Investigator will present to the Hearing Board all pertinent information regarding the incident in question, including but not limited to the Investigative Report, written statements, documents, photographs, oral statements from the parties and witnesses, and any other items or information. The Hearing Board may first ask questions of the Investigator, followed by the Complainant and then the Respondent.

d. Complainant's Presentation

The complainant may present his or her own account of the events. The Hearing Board may ask complainant questions, followed by the respondent. The respondent's questions must be directed through the Chair. The Chair will ask the complainant those questions that are deemed relevant. A similar process will be followed for each witness offered by the complainant. Once a witness other than a party is done presenting information and answering questions, he/she/they will be asked to leave the hearing room.

e. Respondent's Presentation

The Respondent may present his/her/their own account of the events. The Hearing Board may ask the respondent questions, followed by the complainant. The complainant's questions must be directed through the Chair. The Chair will ask the respondent those questions that are deemed relevant. A similar process will be followed for each witness offered by the respondent. Once a witness other than a party is done presenting information and answering questions, he or she will be asked to leave the hearing room.

f. Recall of Witnesses

The Hearing Board reserves the right to recall any party or witness during the hearing process for further questions and to seek additional information necessary to make a decision.

g. Summary Statements

Upon conclusion of the presentation of information by the investigator, parties and witnesses, the complainant and the respondent may make brief summary statements to the Hearing Board. The complainant will present his or her summary statement first, followed by the respondent.

h. Deliberation

At the conclusion of the hearing, everyone other than the Chair, the college's legal counsel, and the Hearing Board members will be dismissed from the hearing room to allow the Hearing Board to deliberate in private. The Chair and the college's legal counsel may remain for deliberations but may not participate in the deliberations and may not vote. The Hearing Board must reach a decision on responsibility by majority vote. If the Hearing Board finds responsibility, it will deliberate regarding the appropriate sanction(s) and reach a decision by majority vote. The votes themselves will not be shared with the parties, only the decision on responsibility and any applicable sanction. The Hearing Board may schedule additional meetings to complete deliberations if necessary.

i. Sanctions

If the Hearing Board finds the respondent responsible for violations of the Sexual Misconduct Policy, Discrimination and/or other College policies, the Hearing Board will impose appropriate sanctions by selecting from the range of sanctions outlined in the Student Conduct Process. Sanctions may be issued individually or in combination with other sanctions. In determining the appropriate sanction(s), the Hearing Board may consider a number of factors including: the harm suffered by the complainant; any ongoing risk to either the complainant or the community posed by the Respondent; the impact of the

violation(s) on the community, its members, or its property; any previous conduct violations; any mitigating or aggravating circumstances; and the information contained in any impact statements submitted by the parties.

j. Notice of Outcome

Generally, the Hearing Board will communicate the result of the hearing and any sanction(s) to the respondent and the complainant within 3 days from the date the Hearing Board's deliberations concluded and such communication will be in writing.

6. Appeal Process

a. Eligibility and Timeline

Either party may request an appeal within 7 days from the time of notification of the decision by the Dean of Students Office.

b. Grounds

The appeal may be based only on one or more of the following grounds:

- Material procedural error;
- Bias by the Chair or a member of the Hearing Board;
- Relevant, substantive and new information, not available at the time of the hearing.

c. Filing

Appeals must be in writing and submitted to the President. The appeal shall consist of a written statement explaining the grounds for the appeal.

d. Granting Review of Appeal

The President or designee shall determine whether grounds for appeal have been met within 7 business days after the timely receipt of appeal. If the President determines the grounds have not been met, the party who submitted the appeal will be notified. If the grounds for appeal have been met, each party will be notified. The party not submitting the appeal will be given 3 days to submit a written response to the President. The appeal will be reviewed by a three person panel (Appeals Panel), consisting of the President and two members from the Sexual Misconduct Hearing Board pool who were not involved in the initial hearing. A meeting of the Appeals Panel will be scheduled within 14 days of the President's determination to grant review of the appeal. In most cases, it should be possible to convene an Appeals Panel. However, if a full Appeals Panel cannot, in the judgment of the President, reasonably be convened, those cases may be reviewed by the President or designee sitting without an Appeals Panel. In the absence of the President, the college Board of Trustees will designate another individual to serve the role of the President in this appeal process.

e. Standard of Review

The appeal is based on the record and is limited to the three possible bases for appeal.

f. Appeals Panel Decision

The Appeals Panel shall consider the merits of an appeal only on the basis of the three grounds for appeal and supporting information provided in the written request for appeal, any response to the request for appeal, and the record of the original hearing. Any decision of the Appeals Panel shall be made by majority vote. The vote itself shall not be shared with the parties. The parties will be advised only of the decision on responsibility. The Appeals Panel can affirm the original findings, alter the findings, and/or alter the sanctions. If the appeal is based on procedures not having been followed in a material manner, and the Appeals Panel deems that information to be clear and convincing, the Appeals Panel can direct that a new hearing occur before a panel comprised of a new board of hearing officers. In the case of new and relevant information, the Appeals Panel can direct that the case be returned to the original Hearing Board to assess the weight and effect of the new information and render a determination after considering the new facts. The Appeals Panel will communicate the result of the appeal to the complainant and respondent within 5 days from the date the Appeal Panel concluded its deliberations and will do so in writing. Appeal decisions are final.

7. Records Maintained

The hearing audio-recording, together with the documents, information and other evidence presented at the hearing, will serve as the record of the hearing proceedings and will be maintained by the Dean of Students as part of the respondent's conduct record.

If a student has been found responsible by the Hearing Board for violating the Sexual Misconduct Policy, such records shall be used in reviewing any further conduct issues, or developing sanctions, and shall remain a part of a student's conduct record.

Generally, suspension, expulsion, and withdrawal pending disciplinary action are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the college are maintained in the Dean of Students office for no fewer than five years after their departure from the college.