

# **FORT SCOTT COMMUNITY COLLEGE**

## **BOARD OF TRUSTEES POLICY MANUAL**

*Revised and/or Reviewed: 9/24, 10/24, 11/24, 12/24, 2/25, 3/25, 4/25, 5/25, 6/25, 8/25*

## **PREFACE**

The policies and administrative rules of Fort Scott Community College are the result of combined efforts by the professional staff of the Kansas Association of School Boards, Board of Trustees, and college employees. This policy contains general information about policies, procedures, benefits, rights and responsibilities of the faculty and staff of Fort Scott Community College. The policy is meant to be a general guide and is not intended to take the place of the negotiated agreement or other specific official documents from which information has been taken, nor is the manual intended to be considered a contract, either expressed or implied between Fort Scott Community College and its employees. Further, this policy is not incorporated in or made part of any employee contract.

## **PHILOSOPHY**

POLICIES are adopted by the Board of Trustees to set forth the general principles and courses of action deemed by it to be the most prudent and advantageous to the college as a whole. They tell WHAT and may include WHY and HOW MUCH, and should be broad enough to indicate a procedure for action taken by the administration in meeting daily problems and narrow enough to give clear guidance.

RULES are the detailed directions developed by administration and staff to put policy into practice. They tell HOW, WHEN, WHERE, and BY WHOM things are to be done.

This philosophy was incorporated into the thinking that produced the model and guided development of the final adopted policies and rules. The policy includes one binder containing eleven sections of policies and rules. These sections are as follows:

- A College Organization
- B College Board Operations
- C General College Administration
- D Fiscal Management
- E Business Management
- F Personnel
- G Negotiations
- H Instructional Program
- I Students
- J Public Relations
- K Interorganizational Partnerships

These policies do not contain any statutory language or negotiated contract language. These policies exist in other separate documents. This policy prohibits certain actions by college staff while simultaneously mandating other actions. "College staff" is a broad term and includes administrators, professional employees, support personnel, classified personnel, and part time or temporary employees hired by the college on a contracted, hourly, or employment at will basis to complete specific functions. The information hereby provided is not intended to be a full statement of the personnel policies, procedures and regulations, but a broad overview of Board policy. Additional information is contained in faculty, staff, and student handbooks.

## **A. COLLEGE ORGANIZATION**

Fort Scott Community College is an institution of higher learning with a long history of culture and diversity that provides affordable academic, technical and occupational programs to meet student needs while fostering a mutually supportive relationship between the college and its communities.

FSCC's vision for the future is to support "Students First, Community Always" through a central focus on teaching and learning; advancing strong, innovative programs and departments; maximizing and leveraging opportunities; initiating efficient and effective processes; developing the region's workforce.

## **ACCREDITATION**

Fort Scott Community College (FSCC) is officially accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, 30 North LaSalle, Suite 2400, Chicago, IL 60602, and the Kansas State Department of Education. On July 1, 1999, governance of the Kansas Community Colleges was transferred to the Kansas Board of Regents (SB345). Local control by the FSCC Board of Trustees remains unchanged. In addition, the FSCC Nursing Program is accredited by the National League for Nursing Accrediting Commissions (NLNAC) and the Kansas State Board of Nursing. Certain FSCC programs have also obtained other specific individual accreditations.

The college is a member of the American Association of Community Colleges, Association of Community College Trustees, Council of North Central Two Year Colleges, National Commission of Accreditation, American Council of Education, and Kansas Association of Community College Trustees.

## **HISTORY OF THE COLLEGE**

On October 18, 1918, the Board of Education of Fort Scott, Kansas, met in a special session to consider the question of providing an extension of the high school program in the city as prescribed by Chapter 238 of the Kansas Laws of 1917. The election on November 5, 1918, provided for the adoption or rejection of the high school extension program. Minutes of the May 12, 1919, Board meeting note the employment of five teachers for Fort Scott Junior College at salaries ranging from \$1200 to \$1800 per year.

Classes under D. H. Ramsey, Superintendent, and Rees Hughes, Principal, were held in the high school at Tenth and Main streets. The first junior college class had seventeen members, and the first graduating class had two members: Ethelyn Hamlin and Kathryn Leffler. Under the law, four colleges were established in the fall of 1919, but two of them failed. Only Fort Scott and Garden City continued. Because Garden City did not operate during the war years, Fort Scott is the oldest public junior college in Kansas. By 1939, 347 students were enrolled in the college with a graduating class of 96. Enrollment dropped during the war years but soared again after the war.

The 1965 Kansas Legislature passed an act, H. B. 93, now listed as K.S.A. 72-6901, requiring the separation of Kansas Junior Colleges from the public school system. On July 1, 1965, the college became Fort Scott Community Junior College, with Bourbon County as its taxing district. That same year, Bourbon County voted to authorize \$790,000 general obligation bonds for the acquisition of 132 acres of land on the southwest edge of Fort Scott. Official separation took place on July 1, 1966, but the college continued to share high school facilities until the fall of 1967 when the new campus was occupied. Dedication of the new academic and vocational facility was held in October 1967. In 1968, the college underwent a self-evaluation for the State Department of Education. This was to be the first in a series of steps taken toward full accreditation by the North Central Association of Colleges and Schools. While the college continued its self-study, the Board of Trustees and administration employed the firm of Marshall and Brown, Architects and Engineers, to help create a master building and campus plan.

As enrollment continued to increase, it became apparent that a dormitory and student center was needed. A HUD interest-subsidy grant was obtained, and revenue bonds were sold to raise funds for this complex, which was completed in the fall of 1973. The east part of the complex was designed for the college administrative offices. In 1990, fifteen new rooms were added to the west end of the dormitory, allowing additional space for 30 students.

With more students enrolling in the vocational classes, a need soon developed for more vocational offerings to enable Fort Scott Community College to fulfill its expanded mission of providing opportunities for career improvement. During the next two years, 1979 and 1980, the agriculture program was expanded as the livestock judging and rodeo teams enjoyed a high degree of success. At the time the college was renting the high school physical education facilities, including the football stadium. With increased national attention focusing on women's athletic programs, the local high school needed its physical education facilities at all times. Also, the college recognized the need for more intramural sports and an expanded women's athletic program. At its April 21, 1980, meeting, in response to these needs, the Board of Trustees voted to consider the erection of a \$230,000 multi-purpose building to be used for agricultural proposes and intramural sports. Later the decision was made to proceed with the construction of this building; funds came from the one mill capital outlay levy. The building was completed in 1981 and named Arnold Arena in honor of retiring college administrator Emory R. Arnold.

In 1986, the Board of Trustees authorized a grant for EPA funding to be used for construction of an Environmental Water Technology Building to be completed between Arnold Arena and the administrative building. This building was named the N. Jack Burris Hall.

The college was granted correspondence status by the North Central Association in July 1960. Various consultants were employed from 1969 until April of 1976 when Fort Scott Community College was granted full membership, subject to submitting a progress report in January of 1977 and a comprehensive evaluation in the fall of 1980. The 1980 evaluation preceded a focus visit in 1982 and a comprehensive evaluation visit in 1985-86, which resulted in accreditation through the 1992-93 school year. In 1993, the North Central accreditation was extended through 2003. With FSCC's admission into the Academic Quality Improvement Program

(AQIP) in 2001, North Central Association (NCA) accreditation was reaffirmed through 2009. Following an AQIP Quality Checkup site visit in 2008, NCA accreditation was reaffirmed through 2016.

In 2001, a new maintenance building was completed at the northwest corner of the campus.

Boileau Hall is located to the northwest of Burris Hall. This dormitory houses more than 100 students in a suite-type environment. The building opened in 2002. It offers students a relaxed living atmosphere with a game room, spacious quarters, and a 103 space parking lot.

In 2004, FSCC purchased the Sisters of Mercy Convent upon its closing. The Convent is where the nursing program began. After some remodeling, FSCC has renovated the space for community rooms, the Nursing program, and for high school equivalency instruction. The three story building also includes room for program expansion.

Also in 2004, FSCC remodeled a wing of the old Miami County Hospital in Paola. In August of 2004, FSCC moved its Paola campus to 501 S. Hospital Drive. This expansion nearly doubled FSCC's campus in Paola and created more opportunities for programs in the northern tier.

The Danny and Willa Ellis Family Fine Arts Center opened in April 2009. The Center includes three major areas: 1) Theatre with 604 seats; 2) The Ken and Charlotte Lunt Lobby and The Gordon Parks Museum; 3) Kathy Ellis Academic Hall. The Kathy Ellis Academic Hall houses art, music, speech and theatre classrooms, three general classrooms, two art classrooms, three instrumental and vocal classrooms, four music practice rooms, a piano lab, and storage rooms. The Gordon Parks Museum, a tribute to Fort Scott-born Gordon Parks who was a photographer for *Life* magazine, a filmmaker, writer, composer and activist, houses 30 of Mr. Parks' iconic photographs, personal items, and more. The Lunt Lobby includes three separate 600-square foot meeting rooms that can be used as one large meeting room with partitions opened.

## **B. COLLEGE BOARD OPERATIONS**

### **COLLEGE LEGAL STATUS** *reviewed 5/19/25*

The legal basis for education at Fort Scott Community College is vested in the will of the people as expressed in the Constitution of the State of Kansas, the statutes pertaining to education, court interpretation of the validity of these laws, and the powers implied in them. The official name of the college shall be: Fort Scott Community College, Bourbon County, Kansas.

### **BOARD POWERS AND DUTIES** *reviewed 5/19/25*

The Board of Trustees, whose members are elected as representatives of the people of the county, shall act as the agent of the state in carrying out the will of the people of the county in matters of public education.

The Board has those powers that are expressly granted to it by the Constitution of the State of Kansas or by the statutes enacted by the Legislature, those powers implied by state statutes, and those duties expressly imposed by the statutes.

### **BOARD MEMBER LEGAL AUTHORITY** *reviewed 5/19/25*

Because all powers of the Board of Trustees lie in its action as a group, individual Board members exercise their authority over college affairs only as they vote to take action at a legal meeting of the Board.

### **BOARD OF TRUSTEES ELECTION** *reviewed 5/19/25*

The Fort Scott Community College Board of Trustees shall consist of six (6) trustees who are elected by the “election at large” method. The Trustees shall be elected for the term of four (4) years. In order to provide for continuity, the terms shall be staggered so three (3) trustees shall be elected at alternate general elections.

The regular biennial election shall be held on the second Tuesday in April of each odd-numbered year and shall be conducted in the same manner and shall be subject to the same rules, regulations, and procedures as provided for general elections according to statute.

### **BOARD MEMBER QUALIFICATIONS** *reviewed 5/19/25*

A person is legally qualified to become a member of the Fort Scott Community College Board of Trustees who is a qualified elector of Bourbon County, meets the qualifications as stated in the statutes, and who is not an employee of the college.

### **BOARD MEMBER OATH OF OFFICE** *reviewed 5/19/25*

Each Board member shall qualify by filling an oath of office with the election officer not later than ten (10) days following the date of election, or not later than five (5) days after issuance of such member’s certificate of election, whichever is the later date. Said oath shall state that he or she will faithfully perform the duties of the office as required by law, and will support the Constitution of the United States, the Constitution of the State of Kansas, and the laws enacted pursuant thereto.

### **BOARD MEMBER RESIGNATION** *reviewed 5/19/25*

If at any time a Board member wishes to terminate his or her service, a written statement of resignation must be submitted to the Board of Trustees and must be duly accepted by the Board of Trustees.

### **BOARD MEMBER UNEXPIRED TERM FULFILLMENT** *reviewed 5/19/25*

Whenever a vacancy occurs on the Board, the Board of Trustees shall adopt a resolution declaring a vacancy at its next regular meeting.

The Board shall publish a notice one time in a newspaper having general circulation in the community college district stating that a vacancy has occurred and that it will be filled by appointment by the Board not sooner than fifteen (15) days after such publication.

### **BOARD MEMBER COMPENSATION AND EXPENSES** *reviewed 5/19/25*

The Fort Scott Community College shall reimburse Board members when they travel outside of the community on college business. When attendance at conventions or other educational meetings or travel for other college purposes is authorized in advance by the Board, expenses shall be reimbursed as follows: (1) transportation—coach air fare, plus charges for ground transportation, if required, for meeting sites beyond reasonable driving distances. If the meeting is within reasonable driving distance, the Board member shall be reimbursed for mileage as per the state rate; (2) fees and registration as required for participation at meetings; (3) hotel or motel at single-room rate; and (4) reasonable expenses for meals; maximum per diem allowances may be set by the Board.

Receipts for hotel/motel accommodations, transportation costs, and meals shall be submitted with expense vouchers upon return and accounted for in writing to the President’s office.

## **BOARD MEMBER CONFLICTS OF INTEREST** *revised 3/18/24, reviewed 5/19/25*

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnished goods or services to the college, the Board member shall declare his/her interest prior to voting for/against the approved motion.

It is not the intent of this policy to prevent the college from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the college and his/her interest in his/her place of employment (or other indirect interest) might conflict and to avoid appearances of conflict of interest even though such conflict may not exist.

Annually, Board members will be asked to disclose any conflicts of interest.

## **BOARD LEGAL STATUS** *reviewed 5/19/25*

The Constitution of the State of Kansas charges the state with the responsibility of maintaining a system of education for all students in Kansas. The state Legislature fulfills this responsibility by enacting laws to regulate the colleges, providing a portion of the funds needed for operating the college, and delegating the immediate control to the Board of Trustees elected within the county.

The Board of Trustees, therefore, is an agency of the state with powers delegated to it by the Legislature. The Board of Trustees shall comply with the provisions of mandatory laws and shall consider and accept or reject the provisions of permissive laws. In all cases where the state laws do not provide or prohibit, the Board shall consider itself the agent establishing and appraising educational activities of the service area and responsive to the desires of the citizens of the county.

## **BOARD MEMBER ETHICS** *reviewed 5/19/25*

Board members are expected to:

- Attend all regularly scheduled Board meetings insofar as possible and become informed concerning the issues to be considered at those meetings
- Make policy decisions only after full discussion at publicly held meetings
- Render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups
- Encourage free expression of opinion by all Board members and seek systematic communications between the Board and students, college staff, and the community
- Work with other Board members to establish effective Board policies to delegate authority for the administration of the college to the President
- Communicate to other Board members and the President expressions of public reaction to Board policies and college programs
- Become informed about current educational issues by individual study and through participation in programs providing needed information
- Support the employment of those persons best qualified to serve as college employees and insist on a regular impartial evaluation of all employees
- Avoid being placed in a position of conflict of interest and refrain from using Board policies and college programs for personal gain
- Take no private action that will compromise the Board or the administration and respect the confidentiality of information that is privileged under applicable law
- Not express any opinion upon or make any promises regarding any question that is coming before the Board at any time other than in a legal meeting of the Board

## **GOALS AND OBJECTIVES**

The Board shall annually establish and review a set of long-range goals and objectives to guide the operations of the college in order to provide the best educational system possible within the financial limitations of the college. All college personnel shall direct their efforts toward achieving the goals and objectives of the Board in order to ensure that students are able to function effectively in their environment, employment, and continuing educational efforts.

## **DUTIES OF BOARD CHAIR** *reviewed 5/19/25*

It shall be the duty of the chair to preside at all meetings of the Board, appoint all committees whose appointment is not otherwise provided for, affix signature to all checks ordered by the Board to be drawn upon for college money, and perform other such duties as may properly pertain to the office.

## **DUTIES OF VICE-CHAIR** *reviewed 5/19/25*

The vice-chair shall perform the duties of the chair in the absence of the chairman. He/she shall perform other duties as designated by the Board.

**DUTIES OF CLERK** *reviewed 5/19/25*

It shall be the duty of the clerk to be present at all meetings, post or have published all legal notices, prepare and sign all legal documents, countersign all warrants drawn upon the treasury by the order of the Board, have custody of the records, books and documents, and perform all such other duties as prescribed.

**DUTIES OF TREASURER** *reviewed 5/19/25*

It shall be the duty of the treasurer to attend meetings of the Board when required to do so, oversee preparation and submit in writing a monthly financial report of said Board, and to pay college funds only upon checks signed by the chair of the Board and countersigned by the clerk.

**NEW BOARD MEMBER ORIENTATION** *reviewed 5/19/25*

Newly elected members of the Board shall be invited to attend all meetings of the Board and shall receive copies of all agendas, reports, and other communications normally received by current Board members prior to the time they officially take office. They shall be encouraged to attend workshops for new Board members. Current members of the Board and the President shall conduct an appropriate orientation program designed to acquaint new Board members with the service area, Board policy, and the responsibilities and duties of being a Trustee.

**COURTESY PASSES**

Lifetime courtesy passes are to be issued to members of the Board, which will admit them to all college activities and events.

**BOARD COMMITTEES**

The Board shall operate at all times as a committee of the whole.

**ADVISORY COMMITTEES**

The Board shall establish such advisory committees as it deems necessary. The type and function of each advisory committee shall be dictated by the needs of the college for the special services of the committee. Each advisory committee shall organize itself with assistance from the President. The President shall provide appropriate material or personnel to assist committees. Each committee shall report to the President and/or the Board as the Board may require by regulation or by procedure. The Board may dissolve any advisory committee at any time. In appointing members of advisory committees, the Board shall consider the recommendation of the President and other members of the administrative staff, as well as the recommendation of individual Board members.

**MEETINGS**

The official meeting dates for the fiscal school year are determined and approved by the Board of Trustees at the June Board meeting. The regular meetings of the Board shall be on the third Monday of each month. If the meeting date falls on a holiday or during spring break, the meeting will be held on the following Monday. At the Board's discretion, the meeting date may be changed from the third Monday due to inclement weather, lack of a quorum, to accommodate the budget process and/or hearing and to facilitate the year-end closeout. The press and public will be notified of the date change. The time of meetings shall be as determined by Board consensus, with proper notification of the press and public made before each meeting. A majority of the Board shall constitute a quorum. All meetings of the Board shall be held in the Heritage Room of the Administration Building unless a different place is designated by resolution at a regular meeting or in the notice of a special meeting.

The annual reorganization meeting of the Board will be the first regular meeting of the fiscal year, when the Board shall elect a chair and vice chair for a term of one year. Each officer shall be elected by a majority of the members present and voting. The Board shall also appoint a representative to the Kansas Association of Community College Trustees and the Southeast Kansas Education Service Center.

Special meetings may be called by the chair of the Board or by joint action of any two members of the Board. A written notice stating the time and place of the special meeting and the purpose for which it was called must, unless waived, be given each member of the Board at least two days in advance of the meeting, and no business other than stated on the notice can be transacted at the meeting. Any legal meeting of the Board may be adjourned to a specific time and place. Only items on the agenda of the adjourned meeting may be acted upon at an adjourned meeting.

**GUIDELINES FOR PUBLIC COMMENT AT BOARD MEETINGS**

These procedures are intended to provide a structured format whereby constituents of the Board of Trustees (BOT) can provide information or make comment about items of public interest.

1. The BOT meeting agenda provides an opportunity for members of the public to address the BOT; however, the BOT suggests that most announcements, problems, or requests be channeled through the College's administration. If the citizen

feels the item cannot be handled properly by the administration, the BOT suggests that the BOT Chairperson be consulted in advance of the meeting. The Chair can then offer advice on how best to proceed.

2. Members of the general public wishing to make a comment at a BOT meeting may request permission to do so during the Public Comment portion of the agenda. Such permission should be requested by filling out a request form by noon on the day of the Board meeting. Forms will be presented to the Board Chairman for consideration. Generally, matters that are personal in nature or relate to personnel matters will not be heard publicly. The Chairman also has a responsibility to discourage abusive or redundant comments. If the appropriate request is not made in advance the Chairperson has the discretion to hear from individuals present at the meeting.
3. When recognized for public comment, citizens should restrict comments to no more than three minutes. If several citizens desire to make comment about the same topic, the Board Chairman may require that the citizens choose a spokesperson to speak on behalf of all.
4. The BOT meetings operate according to an agenda that is developed in advance. Only items specifically placed on the agenda will be acted upon or discussed. Items or questions presented as “public comment” will not be discussed by the Board. Occasionally, for reasons of expediency, the Board Chairman may respond or answer a question raised; but, as a rule, there will be no action or discussion of public comment items. Generally, the Board Chairman will respond to public comment by saying, “Thank you for your comments.”
5. The Public comment portion of the BOT agenda is not intended for use by employees and students of the College. The BOT has clearly-developed policies for the handling of employee and student concerns, proposals, grievances, student discipline, and other matters of internal college affairs. In these instances, the BOT serves as the appeal board and will, therefore, not become involved until all internal procedures for addressing a specific situation have been exhausted.

#### **PUBLIC HEARINGS** *reviewed 6/16/25*

The Board may hold public hearings on matters warranted.

#### **AGENDA**

The Board agenda will be compiled by the President in cooperation with the Board chair and may include a period of time when the public may speak to the Board. Other Board members may request items to be placed on the agenda.

The annotated agenda will be sent to all Board members at least three calendar days prior to any regular Board meeting. The agenda may include the following information: items to be discussed and Board procedure, monthly reports, requests for hearings and other such information. Other items and reports may be added as the need arises.

#### **BOARD MEETING RULES OF ORDER** *revised 3/18/24*

Except as otherwise provided by law, or bylaws of the Board of Trustees, meetings of the Board shall be conducted in accordance with State Law and the recommendation of the Kansas Association of School Boards.

The chair (or vice chair in the absence of the chair) will conduct all meetings. In the absence of both the chair and the vice chair, the members present shall elect a chair pro tempore who will serve for that part of the meeting in which the chair and vice chair are absent.

Any member of the Board who wishes to make a motion, second a motion, or discuss pending business will first secure recognition of the Board chair.

The chair will present each agenda item for discussion or designate the President or other staff member who will present the agenda item. All formal actions of the Board will be taken by ordinary motion unless a formal resolution is required by law. It will not be necessary for a motion to be before the Board in order to discuss an agenda item presented by the Board chair for consideration. In the ordinary course of events, the Board will discuss all matters other than routine procedural questions prior to the making of a motion in order that consensus may be facilitated.

#### **VOTING METHOD** *reviewed 6/16/25*

The Board shall take action by way of motion. No motion may be acted upon until it has been duly seconded by a member of the Board. Following each vote, the chair shall announce that the motion carried or failed by a vote of \_\_\_\_ affirmative votes to \_\_\_\_ negative votes. The minutes shall indicate whether a motion passes or fails. Any member may declare a conflict of interest in a particular issue and leave the meeting until the matter is concluded. In this event, the member's vote shall not be counted. The



minutes will reflect that a particular member has declared a conflict of interest. The college President, treasurer, and clerk are not members of the Board and shall not have a vote.

## **MINUTES**

The clerk of the Board, or a person designated by the Board, shall be responsible for taking and transcribing the minutes of each meeting of the Board and sending them to the Board no fewer than two calendar days prior to the date of the next regular meeting. The minutes shall clearly reflect all motions voted on by the Board. The minutes will not contain a summary of each statement made by the Board member, a guest or a member of the staff unless such person requests that his written remarks be made part of the minutes.

## **HANDLING OF COMPLAINTS**

Neither the Board as a whole nor any individual Board member will consider complaints from employees, parents, patrons or students until the complaint has first been referred to the President, who will determine who should handle the complaint. Only in those cases where satisfactory adjustment cannot be made by a dean or the President shall the President refer communications and complaints to the Board. Any Board member shall have the right to request that a complaint be placed on the agenda without prior consent of the Board chair or the President. It shall be noted, however, as a matter of courtesy, such request shall be brought to the attention of the Board chair and the President prior to the Board meeting. After hearing evidence submitted by the President, the Board may grant a hearing to the interested parties, with hearings held during a regular or special session of the Board.

## **NEWS COVERAGE** *reviewed 6/16/25*

News media shall be invited and encouraged to attend all Board meetings except executive sessions. At each meeting of the Board, the Board may provide seating for members of the news media upon request or as required by law.

## **RECORDING DEVICES** *reviewed 6/16/25*

Use of recording devices at any Board meeting shall be permitted when in the judgment of the Board the use or proposed use of any recording device will not be a disruptive influence upon the proceedings, annoying or harassing to the Board or any member thereof or operated to attract undue attention to the recording device or the proposed user.

## **EXECUTIVE SESSION**

The Board shall conduct executive sessions only as provided by law. The purpose for the executive session will be one of the six reasons stated below. The time for return to open meeting will be specifically stated. If necessary, the executive session may be extended with another motion made after the Board returns to open session. No binding action shall be taken during closed or executive sessions.

1. Personnel: to protect the privacy interests of an identifiable individual
2. Consultation with an attorney: to protect attorney-client privilege and the public interest
3. Negotiations: to protect the college's right to the confidentiality of its negotiating position and the public interest
4. Confidential data: to protect a trade secret; to protect the privacy rights of a corporation, partnership, trust, etc., with regard to their financial affairs
5. Matters concerning an individual such as a student: to protect the privacy rights of a student who is identifiable.
6. Preliminary discussion of real property acquisition: to protect the college's financial interest and bargaining position.

## **POLICY DEVELOPMENT SYSTEM** *reviewed 6/16/25*

The Board shall continually review its policies and amend and supplement existing policies as needed. The President shall draft all recommended policy changes including new policy recommendations.

Policies and rules of the Board may be submitted to the Board's attorney or to the staff of Kansas Association of School Boards to determine their legality before they are submitted to the Board for final approval. In formulating policy recommendations to be made to the Board, the President may involve members of the entire staff. When practical, the Board may involve students in the development of Board policy.

All rules and regulations found in handbooks for students, teachers or other employees and supplements thereto will be considered a part of Board policies and rules by reference, and will comply with Board policy. The policies, rules, and regulations of the Board may be amended at any regular, special, or adjourned meeting of the Board by majority vote of the members of the Board. A recommendation by an individual or group of citizens or patrons to adopt or amend any policy or rule may be submitted at any regular Board meeting. Any action on the recommendation will take place at the next regular meeting of the Board unless an emergency is declared which requires that final action be taken immediately.

**POLICY DISSEMINATION** *reviewed 6/16/25*

The President shall be responsible for developing a procedure to ensure that persons who have copies of the Board handbook receive changes in Board policy and the policies that have been amended or deleted are removed from such policy handbooks. A copy of the Board policy handbook shall be kept in the President's office. Each Board member shall be furnished a copy of said policy handbook. Other copies may be given to other interested parties at the discretion of the President. The clerk will keep a historical set of Board policies, which will reflect all revisions, amendments, or other actions pertaining to every policy rule.

These policies may be altered, amended or repealed and new policies adopted by the Board of Trustees, provided that any such change shall be presented for action at any meeting only after the proposed change has been presented as an agenda item at a prior meeting of the Board or the proposed change has been distributed to all members of the Board at least seven (7) days prior to the date that action is to be taken.

## C. GENERAL COLLEGE ADMINISTRATION

### **EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD-PARTIES; ONE POLICY, TWO PROCEDURES MODEL (1P2P) revised 8/28/23**

Fort Scott Community College (FSCC) does not discriminate in its employment practices or in its educational programs or activities. FSCC also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internally or externally. Reports of misconduct, questions regarding Title IX, and concerns about noncompliance should be directed to the Title IX Coordinator.

Vanessa Poyner, Dean of Students Title IX Coordinator  
Fort Scott Community College  
2108 South Horton  
Fort Scott, KS 66701 (620)  
644-6176 – office  
(620) 212-9921 - cell  
[vanessap@fortscott.edu](mailto:vanessap@fortscott.edu) Bailey Hall  
VPS office

### **POLICY: Equal Opportunity, Harassment, and Nondiscrimination**

#### **1. Glossary**

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity. A complainant who is not a student or employee at FSCC, who did not file a formal complaint, and did not substantially participate in the investigation shall, in the sole discretion of the Title IX Coordinator, be an “Unaffiliated Complainant”.
- *Complaint (formal)* means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the FSCC investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when Fort Scott Community College is in normal operation.
- *Decision-maker* is the person, panel, and/or Chair who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.

- *Directly Related Evidence* is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the investigation report or Decision-maker. Compare to Relevant Evidence, below.
- *Education program or activity* means locations, events, or circumstances where FSCC exercises substantial control over both the Respondent and the context in which the sexual harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the FSCC.
- *Final Determination*: A conclusion by preponderance of the evidence that the alleged conduct did or did not violate policy.
- *Finding*: A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- *Formal Grievance Process* means “Process A,” a method of formal resolution designated by the FSCC to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- *Grievance Process Pool* includes any investigators, hearing Decision-makers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Investigator* means the person or persons charged by a FSCC with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report of Relevant Evidence and a file of Directly Related evidence.
- *Mandated Reporter* means an employee of FSCC who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.<sup>1</sup>
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority (OWA)* means an employee of FSCC explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of FSCC.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process detailed below and defined above.
- *Process B* means the administrative resolution procedures detailed in [Appendix D](#) that apply only when Process A does not, as determined by the Title IX Coordinator
- *FSCC* means a postsecondary education program that is a FSCC of federal funding.
- *Relevant Evidence* is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

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<sup>1</sup> Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- *Remedies* are post-Finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to FSCC's educational program.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by FSCC on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. [See Section 17.b.](#) for greater detail.
- *Title IX Coordinator* is at least one official designated by FSCC to ensure compliance with Title IX and FSCC's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

## **2. Rationale for Policy**

FSCC is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected category, and retaliation for engaging in a protected activity.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, FSCC has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation.

FSCC values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

## **3. Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. At other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, it can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged violation of this nondiscrimination policy is reported, the allegations are subject to resolution using FSCC's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the FSCC community, a formal complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the

FSCC community. This community includes, but is not limited to, students,<sup>2</sup> student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

#### **4. Title IX Coordinator**

The Vice President of Students serves as the Title IX Coordinator and oversees implementation of the FSCC's policy on equal opportunity, harassment, and nondiscrimination.

The Title IX Coordinator has the primary responsibility for coordinating FSCC's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this policy.

All parties will be provided with a comprehensive electronic document detailing options and resources, which the Title IX Coordinator may also go over in person with the parties, as appropriate (excluding an Unaffiliated Complainant in the discretion of the Title IX Coordinator).

#### **5. Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the FSCC President (620-223-2700) or designee. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the FSCC President (620-223-2700) or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

#### **6. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Vanessa Poyner, Dean of Students Title  
IX Coordinator  
Fort Scott Community College  
2108 South Horton  
Fort Scott, KS 66701 (620)  
644-6176 – office  
(620) 212-9921 - cell  
vanessap@fortscott.edu  
Bailey Hall VPS office

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<sup>2</sup> For the purpose of this policy, FSCC defines “student” as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with FSCC.

Ashley Keylon, Associate Dean of Advising Title  
IX Coordinator for Students  
Fort Scott Community College  
2108 South Horton  
Fort Scott, KS 66701  
(620) 223-2700 ext. 3550 – office  
(620) 238-2548 - cell  
[ashleyk@fortscott.edu](mailto:ashleyk@fortscott.edu)  
Bailey Hall offices

Juley McDaniel, Director of Human Resources Title  
IX Coordinator for Employees  
Fort Scott Community College  
2108 South Horton  
Fort Scott, KS 66701 (620)  
644-6115 – office  
(620) 224-6511 – cell  
[juleym@fortscott.edu](mailto:juleym@fortscott.edu)  
Dick Hedges Administration Building – HR office

FSCC has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education 400  
Maryland Avenue, SW Washington,  
D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

For complaints involving employees, please contact the Director of Human Resources:

Juley McDaniel, Director of Human Resources Title  
IX Team Member  
Fort Scott Community College  
2108 South Horton  
Fort Scott, KS 66701 (620)  
644-6115 – office  
(620) 224-6511 – cell  
[juleym@fortscott.edu](mailto:juleym@fortscott.edu)  
Dick Hedges Administration Building – HR office

## **7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a complaint with, or give verbal notice to, the Title IX Coordinator (or deputies/Officials with Authority) as listed above. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator or any other official listed.
- 2) Report online, using the reporting form posted at [fortscott.edu](http://fortscott.edu) (Title IX Grievance Report). Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. FSCC tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because FSCC respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the FSCC to discuss and/or provide supportive measures.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that FSCC investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail; by using the contact information in the section immediately above; or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by FSCC) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that FSCC investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## **8. Supportive Measures**

FSCC will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation (excluding an Unaffiliated Complainant in the discretion of the Title IX Coordinator).

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered without fee or charge to the parties to restore or preserve access to FSCC’s education program or activity, including measures designed to protect the safety of all parties and/or the FSCC’s educational environment, and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, FSCC will inform the Complainant, in writing, that they may file a formal complaint with the FSCC either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Fort Scott Community College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the FSCC’s ability to provide those supportive measures. FSCC will act to ensure as minimal an academic/occupational impact on the parties as possible. The FSCC will implement measures in a way that does not unreasonably burden the other party.



These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions will be referred to appropriate student or employee conduct processes for enforcement.

## **9. Emergency Removal**

Fort Scott Community College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individual poses an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by a member of the Title IX team assigned by the Title IX Coordinator.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Team has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

Fort Scott Community College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a

student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

When the Respondent is an employee, existing provisions for interim action are applicable instead of the above emergency removal process.

## **10. Promptness**

All allegations are acted upon promptly by FSCC once it has received notice or a formal complaint. Complaints can take 60-90 days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but FSCC will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in FSCC procedures will be delayed, FSCC will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **11. Confidentiality/Privacy**

Every effort is made by FSCC to preserve the confidentiality of reports.<sup>3</sup> FSCC will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant;

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<sup>3</sup> For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of FSCC employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in FSCC's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights

any individual who has been reported to be the perpetrator of sex discrimination; any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Fort Scott Community College reserves the right to determine which FSCC officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Title IX Team Members, FSCC Safety & Security Team. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Fort Scott Community College may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically [below](#).

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and Privacy Act ("FERPA"), as outlined in FSCC's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. FSCC has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 22. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

## **12. Jurisdiction of FSCC**

This Policy applies to the education program and activities of FSCC<sup>4</sup>, to conduct that takes place on the campus or on property owned or controlled by FSCC, at FSCC-sponsored events, and in buildings owned or controlled by FSCC's recognized student organizations. The Respondent must be a member of FSCC's community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive a person of access to FSCC's educational program. FSCC may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial FSCC interest.

Regardless of where the conduct occurred, the FSCC will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial FSCC interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder; and/or
- d. Any situation that substantially interferes with the educational interests or mission of FSCC.

If the Respondent is unknown or is not a member of the FSCC community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options. If criminal conduct is alleged, FSCC can assist in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the FSCC's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

In addition, FSCC may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from FSCC property and/or events.

All vendors serving FSCC through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to FSCC where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

## **13. Time Limits on Reporting**

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<sup>4</sup> Which includes the work environment of FSCC's employees.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to FSCC's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

#### **14. Online Harassment and Misconduct**

All FSCC policies, now existing or which may be adopted in the future, apply to conduct on the Internet, Social Media, websites or other venues, whether "on-campus" or "off-campus" especially (but not exclusively) those that deal with privacy, misuse of college resources, harassment, sexual harassment, stalking, bullying, discrimination, equal opportunity, grievance, disruption of college operations and confidentiality. (See FSCC Acceptable Use Policy).

In addition and not in any way limiting the foregoing, use of the FSCC network, internet access, technology, equipment assets or resources (on-campus use) which has a negative impact on the FSCC education program and activities, or which can be shown to cause a substantial in-program disruption, shall be subject to additional disciplinary and/or legal action as provided for in any FSCC Policy or appropriate state or federal statutes, rules and regulations, and may result in termination of use of the FSCC network and/or Internet access.

Nothing herein shall be interpreted to infringe upon First Amendment rights and protected speech.

#### **15. Policy on Nondiscrimination**

Fort Scott Community College affords equal opportunity to and does not discrimination against students, employees, and applicants regardless of race, color, religion, sex (including pregnancy), sexual orientation, gender identity, ethnicity, national origin, ancestry, age, disability, marital status, genetic information, status as a veteran, political affiliation, or other factors that cannot be lawfully considered in its programs and activities, including admissions and employment, to the extent and as required by all applicable laws and regulations including but not limited to Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, The Americans With Disabilities Act of 1990, The Americans With Disabilities Act Amendments Act of 2008, The Age Discrimination In Employment Act of 1967, Title II of the Genetic Information Act of 2008, Kansas Acts Against Discrimination, Section 188 of the Workforce Investment Act, and any amendments to such laws and regulations.

#### **16. Policy on Disability Discrimination and Accommodation**

Fort Scott Community College affords equal opportunity to and does not discrimination against students, employees, and applicants regardless of race, color, religion, sex (including pregnancy), sexual orientation, gender identity, ethnicity, national origin, ancestry, age, disability, marital status, genetic information, status as a veteran, political affiliation, or other factors that cannot be lawfully considered in its programs and activities, including admissions and employment, to the extent and as required by all applicable laws and regulations including but not limited to Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, The Americans With Disabilities Act of 1990, The Americans With Disabilities Act Amendments Act of 2008, The Age Discrimination In Employment Act of 1967, Title II of the Genetic Information Act of 2008, Kansas Acts Against Discrimination, Section 188 of the Workforce Investment Act, and any amendments to such laws and regulations.

#### **17. Policy on Discriminatory**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under FSCC Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of FSCC Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

#### **a. Discriminatory Harassment**

Discriminatory harassment constitutes a form of discrimination that is prohibited by FSCC Policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

## **b. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Kansas regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

FSCC has adopted the following definition of sexual harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex<sup>5</sup> or that is sexual in nature that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of the FSCC,
  - b. conditions<sup>6</sup> the provision of an aid, benefit, or service of the FSCC,
  - c. on an individual's participation in unwelcome sexual conduct.
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,
  - e. objectively offensive,
  - f. that it effectively denies a person equal access to FSCC's education program or activity.<sup>7</sup>
- 3) Sexual assault, defined as:

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<sup>5</sup> Including sexual orientation and sex stereotypes.

<sup>6</sup> Implicitly or explicitly.

<sup>7</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature.

Any sexual act<sup>8</sup> directed against another person<sup>9</sup>,

- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.<sup>10</sup>
- Incest:
  - 1) Non-forcible sexual intercourse,
  - 2) between persons who are related to each other,
  - 3) within the degrees wherein marriage is prohibited by Kansas law.
- Statutory Rape:
  - 1) Non-forcible sexual intercourse,
  - 2) with a person who is under the statutory age of consent of 16.

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

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<sup>8</sup> A ‘sexual act’ is specifically defined by federal regulations to include one or more of the following:

Forcible Rape:

- i. Penetration,
- ii. no matter how slight,
- iii. of the vagina or anus with any body part or object, or
- iv. oral penetration by a sex organ of another person,
- v. without the consent of the Complainant.

Forcible Sodomy:

- vi. Oral or anal sexual intercourse with another person,
- vii. forcibly,
- viii. and/or against that person’s will (non-consensually), or
- ix. not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:

- x. The use of an object or instrument to penetrate,
- xi. however slightly,
- xii. the genital or anal opening of the body of another person,
- xiii. forcibly,
- xiv. and/or against that person’s will (non-consensually),
- xv. or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:

- xvi. The touching of the private body parts of another person (buttocks, groin, breasts),
- xvii. for the purpose of sexual gratification,
- xviii. forcibly,
- xix. and/or against that person’s will (non-consensually),
- xx. or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

<sup>9</sup> This would include having another person touch you sexually, forcibly, and/or without their consent.

<sup>10</sup> This definition set is not taken from SRS/NIBRS verbatim. ATIXA has substituted Complainant for “victim,” has removed references to his/her throughout, has defined “private body parts,” has removed the confusing and unnecessary term “unlawfully,” and has inserted language clarifying that the FSCC interprets “against the person’s will” to mean “non-consensually.” These are liberties ATIXA thinks are important to take with respect to the federal definitions, but users should consult legal counsel before adopting them.



- i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
- ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence\*, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Kansas or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Kansas.

\*To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress. For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. FSCC does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of FSCC. For the personal protection of

members of this community, relationships in which power differentials are inherent (faculty-student, staff- student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical and may result in a sanction ranging from reprimand through expulsion (students) or termination of employment. This includes RAs and students over whom they have direct responsibility.

FSCC reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy. The most serious offenses are likely to result in suspension/expulsion/termination, where warranted.

### **c. Force, Coercion, Consent, and Incapacitation<sup>11</sup>**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

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<sup>11</sup> The state definition of consent is 16, which is applicable to criminal prosecutions for sex offenses in Kansas but may differ from the definition used on campus to address policy violations. [Included for Clery/VAWA Sec. 304 compliance purposes]

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on FSCC to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar and previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>12</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so FSCC’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **d. Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, FSCC additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: an individual taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:
  - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
  - Invasion of sexual privacy
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures

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<sup>12</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

without the photographed person's consent), including the making or posting of revenge pornography

- Prostituting another person
  - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
  - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
  - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
  - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
  - Knowingly soliciting a minor for sexual activity
  - Engaging in sex trafficking
  - Knowing creation, possession, or dissemination of child pornography
- Threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person;
  - Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment;
  - Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
  - Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the FSCC community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy in the Student Handbook);
  - Bullying, defined as:
    - Repeated and/or severe
    - Aggressive behavior
    - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
    - That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other FSCC policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

## **18. Retaliation<sup>13</sup>**

Protected activity under this Policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

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<sup>13</sup> Retaliation allegations can be routed exclusively through Process B if a FSCC so elects, but where retaliation and sexual harassment allegations are both alleged, it will likely make more sense to use Process A to resolve all together.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. FSCC will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

FSCC and any member of FSCC's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, FSCC vets all complaints carefully to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation (code of conduct language listed in student handbook) for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **19. Mandated Reporting**

All FSCC employees (faculty, staff, administrators) are expected to report actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at FSCC for a Complainant or third-party (including parents/guardians when appropriate):

### **a. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselor
- Off-campus (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor or when required to disclose by law or court order.

Campus counselors are available to help students free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidential privilege as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

## **b. Mandated Reporters and Formal Notice/Complaints**

All employees of FSCC (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non- confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from FSCC.

Supportive measures may be offered as the result of such disclosures without formal FSCC action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of FSCC Policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though FSCC is technically not on notice simply because a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

## **20. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether FSCC proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process, usually upon completion of an appropriate violence risk assessment.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. FSCC may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and FSCC's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When FSCC proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that FSCC's ability to remedy and respond to notice may be limited if the Complainant does not want FSCC to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing FSCC's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow FSCC to honor that request, FSCC may offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by FSCC and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

## **21. Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, FSCC must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Fort Scott Community College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **22. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under appropriate FSCC policies.

### **23. Amnesty for Complainants and Witnesses**

The FSCC community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to FSCC officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the FSCC community that Complainants choose to report misconduct to FSCC officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, FSCC maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

**Students:** Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to campus officials).

FSCC maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the FSCC may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

### **24. Federal Statistical Reporting Obligations**

All personally identifiable information is kept private, but statistical information must be shared regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

### **25. Preservation of Evidence**

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and is particularly time-sensitive. FSCC will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at the local hospital, ideally within 120 hours of the incident (sooner is better).
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.



During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

## **INTERIM RESOLUTION PROCESS<sup>14</sup> FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION (KNOWN AS PROCESS “A”)**

### **1. Overview**

FSCC will act on any formal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator<sup>15</sup> or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members either as a complainant or a respondent or both.

If other Policy definitions are invoked, such as protected class harassment or discrimination as defined above, please see [Appendix D](#) for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in various college publications including but not limited to the College Catalog, Student Handbook, Board Policies, and the Negotiated Agreement.

When an Unaffiliated Complainant is involved, procedures in either Process A or Process B which require contact with or involvement of the Unaffiliated Complainant, including but not limited to supportive measures, advisors, notices and resolution reports shall not apply to the Unaffiliated Complainant (but shall apply to respondent) if the Title IX Coordinator determines that is appropriate under the circumstances.

### **2. Notice/Complaint**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps FSCC needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

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<sup>14</sup> For institutions with grievance processes enabling students and/or employees to challenge FSCC action, it is recommended that discrimination allegations be exempted from that process and replaced with the resolution process<sup>83</sup>

satisfy Title IX. Such a change may require negotiation with any affected union.

<sup>15</sup> Anywhere this procedure indicates “Title IX Coordinator,” FSCC may substitute a trained designee.

FSCC uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, FSCC will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, and/or their effects.

### **3. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>16</sup> engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- The Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, or there is an Unaffiliated Complainant the Title IX Coordinator determines whether to initiate a complaint themselves.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses their request(s), and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue, based on the nature of the complaint.
    - If alleged misconduct does not fall within the scope of the 2020 Title IX regulations, the Title IX Coordinator determines that the regulations do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX which does not limit FSCC’s authority to address a complaint with an appropriate process and remedies.

#### **a. Risk Assessment**

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<sup>16</sup> If circumstances require, FSCC President or Title IX Coordinator will designate another person to oversee the resolution.

process should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

In some cases, the Title IX Coordinator may determine that a risk assessment should be conducted. Risk assessment is the process of evaluating the potential for danger or violence.

**b. Dismissal (Mandatory and Discretionary)<sup>17</sup>**

FSCC must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in or have an impact upon an educational program or activity controlled by FSCC (including buildings or property controlled by recognized student organizations), and/or FSCC does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the FSCC<sup>18</sup>.

FSCC may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the FSCC; or
- 3) Specific circumstances prevent FSCC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, FSCC will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. This section

does not limit investigation after notice even if there is no formal complaint. **4. Counterclaims**

Fort Scott Community College is obligated to ensure that the grievance process is not abused for retaliatory purposes. FSCC permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are on occasion made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

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<sup>17</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

<sup>18</sup> Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable unless the Title IX Coordinator signs the complaint in the event the Complainant cannot/will not do so.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.<sup>19</sup>

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

### **a. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the FSCC community.

The Title IX Coordinator will also offer to assign an Advisor to any party if the party so chooses.

If the parties choose an Advisor from outside of FSCC, the Advisor may not be familiar with FSCC policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

### **b. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

FSCC cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, FSCC is not obligated to provide an attorney.

### **c. Advisors in Hearings/FSCC-Appointed Advisor**

Under U.S. Department of Education regulations for Title IX a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, FSCC will appoint an Advisor for the limited purpose of conducting any questioning of the other party(ies) and witnesses.

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<sup>19</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

### **d. Pre-Interview**

Advisors and their advisees may request to meet with the investigators conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and FSCC's policies and procedures.

#### **e. Advisor Violations of FSCC Policy**

All Advisors are subject to the same FSCC policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by FSCC. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address FSCC officials or investigators in a meeting or interview unless invited to do so (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee<sup>20</sup> during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

#### **f. Sharing Information with the Advisor**

FSCC expects that the parties may wish to have FSCC share documentation and evidence related to the allegations with their Advisors. FSCC provides a consent form that authorizes FSCC to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before FSCC is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, FSCC will comply with that request at the discretion of the Title IX Coordinator.

Advisors appointed by the institution will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers.

#### **g. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by FSCC. Advisors will be asked to sign Non-Disclosure Agreements (NDAs). FSCC may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the FSCC's privacy expectations.

#### **h. Expectations of an Advisor**

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<sup>20</sup> Subject to the state law provisions or FSCC policy above.

FSCC generally expects an Advisor to adjust their schedule to allow them to attend FSCC meetings when planned, but FSCC may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not

FSCC may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

#### **i. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

As a public entity, FSCC fully respects and accords the Weingarten rights of employees. For parties who are entitled to union representation, the FSCC will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

#### **j. Assistance in Securing an Advisor**

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/> ]

### **6. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with FSCC Policy.

Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose as part of an Informal Resolution, discussed below. FSCC encourages parties to discuss with their Advisors any sharing of information before doing so.

The Formal Grievance Process is FSCC's primary resolution approach, unless Informal Resolution is elected by all parties and FSCC. Three options for Informal Resolution are detailed in this section, and the Formal Grievance Process is detailed starting in the next section.

#### **a. Informal Resolution**

- Supportive Resolution. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation. (This is in addition to and does not limit supportive measures pursuant to Section 8 or paragraph 2.1) of this Interim Resolution process).
- Alternative Resolution. When the parties agree to resolve the matter through an alternative resolution mechanism as described below, including mediation, restorative practices, facilitated dialogue, etc., usually before a formal investigation takes place; see discussion in b., below.
- Accepted Responsibility. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction(s) and end the resolution process; see discussion in c., below.

To initiate Informal Resolution, a Complainant must submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The parties may agree as a condition of engaging in Informal Resolution that statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, FSCC will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by FSCC.

FSCC will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

#### **b. Alternative Resolution Approaches**

Alternative Resolution is an informal approach which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternative Resolution approach.

The Title IX Coordinator may look to the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- The parties' amenability to Alternative Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternative Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator is authorized to negotiate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution

agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternative Resolution are not appealable.

### **c. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and FSCC are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of FSCC policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

## **7. Formal Grievance Process**

The Formal Grievance Process relies on a pool of administrators<sup>21</sup> (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, employees, prospective students, and prospective employees.

### **a. Pool Member Roles**

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution approaches (e.g., mediation, restorative practices, facilitated dialogue)
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

### **b. Pool Member Appointment**

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<sup>21</sup> External, trained third-party neutral professionals may also be used to serve in pool roles.



The Title IX Coordinator, in consultation with the President, appoints the Pool<sup>22</sup>, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, FSCC can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

### **c. Pool Member Training**

The Pool members receive annual training jointly OR based on their respective roles. This training includes, but is not limited to:

- The scope of FSCC's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner by individuals who receive annual training in conducting investigations of sexual harassment, trauma-informed practices, and impartiality,
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by FSCC with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for all Pool members. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted on the FSCC website.

## **8. Formal Grievance Process: Notice of Investigation and Allegations**

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<sup>22</sup> This does not preclude FSCC from having all members of the Pool go through an application and/or interview/selection process.

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that FSCC presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about FSCC’s policy on retaliation,
- Information about the confidentiality of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that FSCC’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to FSCC’s VAWA Brochure or a hard copy,
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, or emailed to the parties’ FSCC-issued email or designated accounts. Once emailed, and/or received in-person, notice will be presumptively delivered.

## **9. Resolution Timeline**

Fort Scott Community College will make a good faith effort to complete the resolution process within a sixty-to- ninety (60-90) business day time period, including appeal if any, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

## **11. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process including the Title IX Coordinator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the resolution process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the FSCC President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

FSCC operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## **12. Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

FSCC will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

## **13. Delays in the Investigation Process and Interactions with Law Enforcement**

FSCC may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

FSCC will communicate in writing the anticipated duration of the delay and reason to the parties, and provide the parties with status updates if necessary. FSCC will promptly resume its investigation and resolution process as soon as feasible. During such a delay, FSCC will implement supportive measures as deemed appropriate.

FSCC action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

## **14. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

Recordings of interviews are not provided to the parties, but the parties will have the ability to review the transcript/summary of the interview once the investigation report is compiled.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
  - Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
  - Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
  - Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
  - Meet with the Complainant to finalize their interview/statement, if necessary
  - Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- o Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
  - Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
  - When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
  - Interview all available, relevant witnesses and conduct follow-up interviews as necessary
  - Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
  - Complete the investigation promptly and without unreasonable deviation from the intended timeline
  - Provide regular status updates to the parties throughout the investigation
  - Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
  - Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
  - The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
  - Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the FSCC does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
  - The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
  - The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period

- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and advisors are also provided with a file of any directly related evidence that was not included in the report

### **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of the FSCC are strongly encouraged to cooperate with and participate in the FSCC's investigation and resolution process. Student witnesses and witnesses from outside the FSCC community are encouraged to cooperate with FSCC investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. The FSCC will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for questioning at a hearing, their written statement may not be used as evidence.

### **16. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties should be made aware of audio and/or video recording.

### **17. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition; or 3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

### **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker – unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker from the Pool depending on whether the

Respondent is an employee or a student, and provide a copy of the investigation report. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker depending on the context and nature of the alleged misconduct.

### **19. Hearing Decision-maker Composition**

FSCC will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this facilitator role. The hearing will convene at a time and venue determined by the Chair or designee.

### **20. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition; or 3) questions or evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming FSCC uses a progressive discipline system. This information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) render(s) a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

### **21. Notice of Hearing**

No less than ten (10) business days prior to the hearing<sup>23</sup>, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

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<sup>23</sup> Unless an expedited hearing is agreed to by all parties.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the FSCC will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.<sup>24</sup>
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by FSCC and remain within the 60-90 business day goal for resolution.

## **22. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

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<sup>24</sup> The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

### **23. Pre-Hearing Preparation**

After any necessary consultation with the parties, the Chair will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

### **24. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.



The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/advisors, with all parties/advisors present at the same time, remotely, or as a paper- only exchange. The Chair will work with the parties to establish the format.

## **25. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties, and the witnesses will then be excused.

## **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair AND/OR hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator/case manager appointed by the Title IX Coordinator.<sup>25</sup> The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties

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<sup>25</sup> If not conflicted out by previous involvement, the Title IX Coordinator may serve as the hearing facilitator/case manager.

(through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

### **29. Testimony and Questioning**

Once the Investigator(s) present(s) the report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The hearing will facilitate questioning of parties and witnesses by the Decision-maker(s) and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### **30. Refusal to Submit to Questioning; Inferences**

Cross-examination is an all or nothing proposition, meaning that if any relevant question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard all such statements. Evidence provided that is something other than a statement by the party or witness may be considered.

Whether a party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked such questions. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If collateral charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for questioning is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the FSCC's established rules of decorum for the hearing, the FSCC may require the party to use a different Advisor. If a FSCC-provided Advisor refuses to comply with the rules of decorum, the FSCC may provide that party with a different Advisor to conduct questioning on behalf of that party.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the resolution process.

### **31. Recording Hearings**

Hearings (but not deliberations) are recorded by FSCC for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of FSCC will be permitted to listen to the recording or review a transcript of the recording in a controlled environment determined by the Title IX Coordinator, upon request. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **32. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by appropriate administrator and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **33. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter. The Notice of Outcome may then be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official FSCC records<sup>26</sup>, or emailed to the parties' FSCC-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by FSCC from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent FSCC is permitted to share such information under state or federal law; any sanctions issued which FSCC is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to FSCC's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered by FSCC to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### **34. Statement of the Rights of the Parties (see Appendix C)**

### **35. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### **a. Student Sanctions**

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<sup>26</sup> Again, consider the confidentiality implications of sending mail to a home address.

The following are the usual sanctions<sup>27</sup> that may be imposed upon students or organizations singly or in combination<sup>28</sup>:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any FSCC policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either FSCC-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at FSCC.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend FSCC-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies.]
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including FSCC registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the FSCC may assign any other sanctions as deemed appropriate.

1) *Warning*: A notice in writing to the student that the student is violating or has violated institutional regulations.

2) *Probation*: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulations during the probationary period. 3) *Loss of Privileges*: Denial of specified privileges for a designated period of time. 4) *Restitution*: Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement. 5) *Discretionary Sanctions*: Work assignments, service to the College or other related discretionary assignments. 6) *Student Housing Suspension*: Separation of the student from Student Housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. 7) *Student Housing Expulsion*: Permanent separation of the student from Student Housing. 8) *College Suspension*: Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions or readmission may be specified. 9) *Withdrawal*: Withdrawal is administrative removal of a student from a class or from the College and may be imposed in instances of unmet financial obligation; for reasons of health; pending the outcome of a competent medical evaluation. The withdrawn student may also be barred from re-enrollment until such time as specific conditions have been met. 10) *Expulsion*: Permanent severance from FSCC.

#### **b. Employee Sanctions/Responsive/Corrective Actions**

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<sup>28</sup> Subject to FSCC's Organizational Code of Conduct.

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, FSCC may assign any other responsive actions as deemed appropriate.

### **36. Withdrawal or Resignation While Charges Pending**

a. Students: Should a Respondent decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from FSCC, the resolution process ends with a dismissal, as FSCC no longer has disciplinary jurisdiction over the withdrawn student.

However, FSCC will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who permanently withdraws from FSCC while the process is pending may not return to FSCC in any capacity. Admissions and Human Resources will be notified accordingly. Such exclusion applies to all campuses of FSCC.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to FSCC unless and until all sanctions, if any, have been satisfied.

b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends with dismissal, as FSCC no longer has disciplinary jurisdiction over the resigned employee.

However, FSCC will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for admission or rehire with FSCC or any campus of FSCC, and the records retained by the Title IX Coordinator will reflect that status.

All FSCC responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **37. Appeals**

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within 3 days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No appeal Decision-maker will have been involved in the process previously, including in any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request for an appeal with the approved grounds and then be given 3 business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, in 3 business days, which will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds for appeal, and the subsequent responses will be shared with the Appeal Chair and the Chair will render a decision in no more than 7 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which FSCC is



permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent FSCC is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' FSCC-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

#### **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

If the original sanctions include separation in any form, FSCC may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee, whose determination is final.

#### **c. Appeal Considerations**

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where an error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal Chair may order a new investigation with new investigators and/or a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to FSCC or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **38. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.



These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the FSCC to the Respondent to ensure no effective denial of educational access.

The FSCC will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the FSCC's ability to provide these services.

### **39. Failure to Comply with Sanctions and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from FSCC.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **40. Recordkeeping**

FSCC will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to FSCC's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. FSCC will make these training materials publicly available on FSCC's website. and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to FSCC's education program or

activity; and

- c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

FSCC will also maintain any and all records in accordance with state and federal laws.

#### **41. Disabilities Accommodations in the Resolution Process**

FSCC is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to FSCC's resolution process.

Anyone needing such accommodations or support should contact the Associate Dean of Advising, or the Director of Human Resources if an employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### **42. Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinator. FSCC reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws which frame such policies and codes, generally.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL  
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## **APPENDIX A: POLICY EXAMPLES**

Some examples of possible sexual harassment include:<sup>29</sup>

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually-oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being non-binary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not interested in Chris sexually or romantically. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their sexual identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo there. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

### **Examples of Stalking**

- Students A and B were "friends with benefits." Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if Student B had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

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<sup>29</sup> ATIXA recommends incorporation of examples into policy as an educational and preventive tool. Some campuses may prefer to break these out into separate documents or resources.

- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up."

We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

#### Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant coercion.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

#### Examples of Retaliation:

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes approval for the faculty member to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

## **APPENDIX B: AN ATIXA FRAMEWORK FOR INFORMAL RESOLUTION (IR)**

ATIXA has framed a process for IR that includes:

1. A response based on supportive measures; and/or
2. A response based on a Respondent accepting responsibility; and/or
3. A response based on alternative resolution, which could include various approaches and/or facilitation of dialogue.

Alternative resolution approaches such as mediation, restorative practices, and transformative justice are likely to be used more and more often by colleges and universities. ATIXA does not endorse these approaches as better or worse than other formal or informal approaches.

ATIXA believes that if they are to be used in and are effective for sex offenses, they need to be designed and executed carefully and thoughtfully and be facilitated by well-trained personnel who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered in supporting various approaches to informal resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversionary resolution (although a formal complaint must be filed if you are within Section 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternative Resolution approaches to IR must be facilitated by FSCC or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the informal resolution process may be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.
- If IR fails, a formal resolution can take place thereafter. No evidence elicited within the “safe space” of the IR facilitation is later admissible in the formal resolution unless all parties consent.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a restorative circle approach with many constituents, in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an accord or agreement between the parties (Complainant, Respondent, FSCC), which is summarized in writing by and enforced by FSCC. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties that are enforceable by FSCC. These can be part of the accord/agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other

restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by FSCC as part of the accord/agreement, as may be terms of mutual release, non- disparagement, and/or non-disclosure.

- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the TIXC.
- Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches, to ensure they are civil, age-appropriate, culturally-competent, reflective of power imbalances, and maximize the potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies).

#### **APPENDIX C: STATEMENT OF RIGHTS OF THE PARTIES**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to FSCC officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information by FSCC regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by FSCC to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by FSCC officials.
- The right to have FSCC Policy and these procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by FSCC officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by FSCC officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by FSCC in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by FSCC law enforcement and/or other FSCC officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.
- The right to a FSCC-implemented no-contact order (or a no-trespass order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:

- Relocating an on-campus student's housing to a different on-campus location
  - Assistance from FSCC staff in completing the relocation
  - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
  - Transportation accommodations
  - Visa/immigration assistance
  - Arranging to dissolve a housing contract and provide a pro-rated refund
  - Exam, paper, and/or assignment rescheduling or adjustment
  - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
  - Transferring class sections
  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options.
- The right to have FSCC maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair FSCC's ability to provide the supportive measures.
  - The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
  - The right to have the Investigator(s), Advisors, and/or Decision-maker(s) identify and question relevant available witnesses, including expert witnesses.
  - The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
  - The right to have inadmissible prior sexual predisposition/history or irrelevant character evidence excluded by the decision-maker.
  - The right to know the relevant and directly related evidence obtained and to respond to that evidence.
  - The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
  - The right to receive a copy of all relevant and directly related evidence obtained by the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) business day period to review and comment on the evidence.
  - The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
  - The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
  - ***The right to regular updates on the status of the investigation and/or resolution.***

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any FSCC representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, (preponderance of the evidence) to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process (if any) and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by FSCC is considered final and any changes to the final determination or sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by FSCC.
- The right to a fundamentally fair resolution as defined in these procedures.



## **APPENDIX D: PROCESS B<sup>30</sup>**

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- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B<sup>31</sup>.

### **INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION**

FSCC will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that is received by the Title IX Coordinator<sup>32</sup> or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected class status involving students, staff, faculty members, or third parties. Unionized or other categorized employees will be subject to the terms of their respective collective bargaining agreements/employees' rights.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing, discriminatory, or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective board policy.

#### **1. Initial Assessment**

Following intake, receipt of notice, or a complaint of an alleged violation of FSCC's nondiscrimination Policy, the Title IX Coordinator<sup>33</sup> engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine which of three options to pursue: A Supportive Response, an Informal Resolution, or an Administrative Resolution.
  - If a Supportive Response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. An Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:

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<sup>30</sup> This process may be legally insufficient for public institutions in states/jurisdictions that have adopted live hearing/cross-examination and/or formal due process requirements. It would also be insufficient for private institutions in California and the Third Circuit, which should use Process A or some variation thereof.

<sup>31</sup> FSCC can substitute any alternative process instead of Process B, if desired. VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.

Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Process B.

<sup>32</sup> All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

<sup>33</sup> If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- Incident, and/or
- A potential pattern of misconduct, and/or
- A culture/climate issue.

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Mental Health Assessment team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Interim suspension of a Respondent who is a threat to health/safety;
- Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potentially predatory conduct;
- To help assess/identify grooming behaviors;
- Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer FSCC about a Respondent;
- Assessment of appropriate sanctions/remedies;
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Based on the initial assessment, FSCC will initiate one of these responses:

- Supportive Response -- measures to help restore the Complainant's education access, as described in the Policy.
- Informal Resolution -- typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
- Administrative Resolution -- investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether the nondiscrimination policy has been violated. If so, FSCC will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

## **2. Resolution Process Pool**

The resolution process relies on a pool of officials ("Pool") for implementation.

The list of members and a description of the Pool can be found in this policy document within Process A. Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- To serve as an Appeal Decision-maker

The Title IX Coordinator, in consultation with the President, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of FSCC policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training jointly. This training includes, but is not limited to:

- The scope of the FSCC's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner by individuals who receive training in conducting investigations of sexual harassment, trauma-informed practices, and impartiality,
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the FSCC with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

### **3. Counterclaims**

Counterclaims by the Respondent may be made in good faith or may instead be motivated by a retaliatory intent. FSCC is obligated to ensure that any process is not abused for retaliatory purposes.

FSCC permits the filing of counterclaims, but uses the initial assessment, described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation. Counterclaims made with retaliatory intent will not be permitted.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

#### **4. Advisors**

##### **a. Expectations of an Advisor**

FSCC generally expects an Advisor to adjust their schedule to allow them to attend FSCC meetings when planned, but FSCC may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

FSCC may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by FSCC policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting FSCC meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

##### **b. Expectations of the Parties with Respect to Advisors**

Each party may choose an Advisor<sup>34</sup> who is eligible and available<sup>35</sup> to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

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<sup>34</sup> This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally. If the FSCC allows more than one Advisor for one party, they should do so for all parties.

<sup>35</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must implement and monitor sanctions.

For parties who are entitled to union representation, the FSCC will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution- related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

### **c. Assistance in Securing an Advisor**

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/> ]

## **5. Resolution Options**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with FSCC Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

### **a. Informal Resolution**

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternative Resolution, or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the resolution is finalized, Administrative Resolution may be pursued.

#### **i. Alternative Resolution**

Alternative Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternative Resolution.

The Title IX Coordinator determines if Alternative Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternative Resolution.

In an Alternative Resolution, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternative Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution

can result in appropriate enforcement actions.

Alternative Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternative Resolution are not appealable.

## **ii. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of FSCC Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented for those violations, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The parties will be informed of this outcome. The parties are still able to seek Alternative Resolution on the remaining allegations, subject to the stipulations above.

## **b. Administrative Resolution via an Investigation and Hearing**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official FSCC records, or emailed to the parties' FSCC-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

FSCC aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the President.

Investigations are completed expeditiously, normally within 10-20 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

FSCC will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

FSCC may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the FSCC's resolution process are being investigated by law enforcement. FSCC will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

FSCC action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

## **6. Investigation**

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by the FSCC or an Advisor of their choosing present for all meetings attended by the advisee

- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide the parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within 3 business days and incorporate that response, if any, into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator or legal counsel for review and feedback
- Provide the final report to the Title IX Coordinator with one of two options:
  - Include in the report a recommendation to the Title IX Coordinator/Decision-maker on a determination, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred; OR
  - Gather, assess, and synthesize evidence without making a finding, conclusion, determination or recommendation.

## **7. Determination**

Within two to three (2-3) business days of receiving the Investigator's recommendation, the Title IX Coordinator or a trained, designated Decision-maker from the Pool<sup>36</sup> reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigation, if any, should be strongly considered but is not binding on the Title IX Coordinator/Decision-Maker. The Title IX Coordinator or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

## **8. Additional Details of the Investigation Process**

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<sup>36</sup> When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker should be designated from the Pool to ensure there is no conflict of interest.



#### **a. Witness responsibilities**

Witnesses (as distinguished from the parties) who are faculty or staff of FSCC are expected to cooperate with and participate in FSCC's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

#### **b. Remote processes**

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) and/or Decision-maker determine that timeliness, efficiency, or other causes dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. When remote technologies are used, the FSCC makes reasonable efforts to ensure privacy and ensures that any technology does not work to the detriment of any party or subject them to unfairness.

#### **c. Recording**

No unauthorized audio or video recording of any kind is permitted during the resolution process including investigative interviews. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

#### **d. Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct, subject to the limitation in (e) below. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

#### **e. Sexual history/patterns**

Unless the Title IX Coordinator/Decision-maker determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the irrelevant sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); (3) irrelevant character evidence.

#### **f. Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator/Decision-maker with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if the FSCC uses a progressive discipline system.

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

#### **g. Notification of outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator (in consultation with other administrators as appropriate) determines sanction(s) and/or responsive actions, which are promptly

implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within two to three business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official FSCC records, or emailed to the parties' FSCC-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which FSCC is permitted to share pursuant to state or federal law, and the rationale supporting the findings to the extent FSCC is permitted to share under state or federal law.

The notice will detail when the determination is considered final (see Section 11. Appeals below) and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found below.

## **9. Sanctions**

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator/Decision-maker

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

### **a. Student Sanctions**

The following are the sanctions that may be imposed upon students or student organizations singly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any FSCC policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of FSCC Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any FSCC policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years,

and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at FSCC. At the discretion of the Title IX Coordinator/Decision-maker, this sanction may be noted as a Disciplinary Suspension on the student's official transcript.

- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend FSCC-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma and/or Official Transcripts*: FSCC may withhold a student's diploma and/or official transcripts for a specified period of time, and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: FSCC reserves the right to revoke a degree previously awarded from FSCC for fraud, misrepresentation, or other violation of FSCC policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including FSCC registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, FSCC may assign any other sanctions as deemed appropriate.

## **b. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, FSCC may assign any other sanctions as deemed appropriate.

## **10. Withdrawal or Resignation While Charges are Pending**

Students: FSCC does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination. The FSCC may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any FSCC responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status.

## **11. Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within 3 business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker. Any party may appeal the findings only under the grounds described below.

An Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures).
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within 3 business days. These responses or appeal requests will be shared with each party. The Appeal Chair will review the appeal request(s) within 7 business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeal Chair dismisses the appeal.

When the Appeal Chair finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair.
- Sanctions imposed as the result of the Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within 3 business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural or substantive error cannot be cured by the original Investigator(s) and/or Title IX Coordinator/Decision-maker (as in cases of bias), the Appeal Chair may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to FSCC or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable.

## **12. Long-Term Remedies/Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by FSCC to the Respondent.

## **13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s) and responsive/corrective action(s), including suspension, expulsion, and/or termination from FSCC and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## **14. Recordkeeping**

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely, or as required by state or federal law or institutional policy, by the Title IX Coordinator in the Title IX case database.

## **15. Statement of the Rights of the Parties (see Appendix C)**

## **16. Disabilities Accommodation in the Resolution Process**

FSCC is committed to providing reasonable accommodations and support to qualified students, employees, or

others with disabilities to ensure equal access to the resolution process at FSCC. Anyone needing such accommodations or support should contact the Associate Dean of Advising, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

## **17. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The FSCC reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the FSCC website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current Policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

## **APPENDIX E: ATIXA RECORD MAINTENANCE AND ACCESS MODEL POLICY**

### **Policy Scope**

This policy covers records maintained in any medium that are created pursuant to the College's Title IX Policy and/or the regular business of the College's Title IX Office. All such records are considered private or confidential by the Title IX Office, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to Title IX. These records may be shared internally with those who have a legitimate educational interest, and will be shared with the parties to a complaint under applicable state and/or federal law, including the 2020 Title IX regulations, FERPA, and/or the Clery Act/VAWA §304. The Title IX Office controls the dissemination and sharing of any records under its control.

### **Types of Records Covered Under this Policy**

**Records Pertaining to the Grievance-Resolution Process.** These records include, but are not limited to:

- Documentation of notice to the institution including incident reports;
- Anonymous reports later linked to a specific incident involving known parties;
- Any documentation supporting the initial assessment;
- Investigation-related evidence (e.g., physical and documentary evidence collected and interview transcripts);
- Dismissal-related documentation;
- Documentation related to the grievance resolution process;
- The final investigative report;
- Remedy-related documentation;
- Supportive measures-related documentation;
- Hearing recordings and records;
- Appeal-related documentation;
- Informal resolution records;
- Notices of Outcome;
- Records documenting that the College's response was not deliberately indifferent;
- Any other records typically maintained by the College as part of the case file.

Specific examples of records pertaining to the grievance resolution process may include, but are not limited to: anonymous reports later identified; intake documentation; incident reports; the written complaint; the names of the Complainant, the Respondent; any witnesses; any relevant statements or other evidence obtained; interview notes or transcripts; timelines, flowcharts and other forms used in the investigation process; witness lists, correspondence, telephone logs, evidence logs and other documents related to the processing of an investigation; correspondence relating to the substance of the investigation; supportive measures implemented on behalf of the Complainant or Respondent; actions taken to restrict/remove the Respondent; correspondence with the parties; medical, mental-health, medical, and forensic record evidence obtained with consent during the course of the investigation; police reports; expert sources used in consideration of the evidence; documentation of outcome and rationale; correspondence and documentation of the appeals process; documentation of any sanctions/discipline resulting from the grievance resolution process; and documentation of reported retaliatory behavior as well as all actions taken to address these reports.

**Drafts and Working Files:** Preliminary drafts and "working files" are *not* considered records that must be maintained by the College, and these are typically destroyed during the course of an investigation or at its conclusion. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their creator and/or the Title IX Coordinator. An example of a "working file" would be the investigator notes made during one interview with topics the investigator wants to revisit in subsequent interviews. Sole possession records maintained as such in accordance

with FERPA are also included in this category. All drafts of investigation reports shared with the parties are maintained.

**Attorney Work-Product:** Communications from the Title IX Office or its designees with the College's legal counsel may be work product protected by attorney-client privilege. These communications are not considered records to be maintained by the Title IX Office or accessible under this policy unless the Title IX Coordinator, in consultation with legal counsel as necessary, determines that these communications should be included as accessible records.

### **Record Storage:**

Records may be created and maintained in different media formats; this policy applies to all records, irrespective of format. All records created pursuant to the Policy, as defined above, must be stored in digital format. The complete file must be transferred to the Title IX Office within fourteen (14) days of resolution of the complaint (including any appeal), if the file is not maintained within the Title IX Office already. Security protocols must be in place to preserve the integrity and privacy of any parts of any record that are maintained in the Title IX Office during the pendency of an investigation.

The Title IX Office will store all records created pursuant to the Policy, regardless of the identities of the parties. Parallel records should not be maintained in the Office of Student Conduct and/or Human Resources, respectively. Any extra (non-essential) copies of the records (both digital and paper) must be destroyed.

A copy of records showing compliance with Clery Act requirements by Title IX personnel will be maintained along with the case file in the Title IX Office [and in a separate aggregate annual Clery Act composite file, as well].

College will maintain an access log of each case file, showing when and by whom it was accessed, and for what purpose.

### **Record Retention:**

All records created and maintained pursuant to the Policy must be retained indefinitely by the Title IX Office in digital form unless destruction or expungement is authorized by the Title IX Coordinator, who may act under their own discretion, or in accordance with a duly executed and binding settlement of claim, and/or by court or government order.

### **Record Access:**

Access to records created pursuant to the Policy or housed in the Title IX Office is strictly limited to the Title IX Coordinator and any individual the Coordinator authorizes via permission levels within the database. Those who are granted broad access to the records of the Title IX Office are expected to only access records pertinent to their scope or work or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant College policies and procedures.

The parties may request access to their case file. The College will provide access or a copy within 45 days of the request. Appropriate redactions of personally identifiable information may be made before inspection or any copy is shared.

During the investigation, materials may be shared with the parties using secure file transmission software. Any such file will be watermarked by the Title IX Office before being shared, with the watermark identifying the role of the FSCC in the process (Complainant, Respondent, Hearing Decision-maker; Complainant's Advisor, etc.).



**Record Security:**

The Title IX Coordinator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Record security should include protection from flood, fire, and other potential emergencies. Clothing, forensic, and other physical evidence should be securely stored in a designated secure storage area. All physical evidence will be maintained in a facility that is reasonably protected from flood and fire. A catalogue of all physical evidence will be retained with the case file.

## **COLLEGE PRESIDENT**

The senior administrator and chief executive officer of the college is the President, who is appointed by the Board of Trustees. The President retains ultimate responsibility for the effective functioning of all college personnel, programs, and activities.

## **BOARD –PRESIDENT RELATIONS**

The Board shall delegate to the President all matters of decision and administration which come within his/her scope as chief administrative head of the Board. While the Board reserves to itself the ultimate decision in all matters concerning general policy or expenditures of funds, it will normally proceed in those areas only after receiving recommendation from its chief administrative head.

## **COLLEGE CALENDAR**

On or before the March Board meeting of each year, the President shall present to the Board a recommended academic calendar for the next school year for final approval. In making such recommendation, consideration shall be given to the customs of residents of the college district, legal holidays, and other relevant matters.

## **EMERGENCY CLOSINGS AND EXTENDED SCHOOL YEAR**

The President may extend the regularly scheduled academic year or close the college because of the following types of circumstances which are stated by way of illustration and not by way of limitation: adverse weather conditions, building maintenance problems, personnel problems, public health reasons, and budgetary problems.

## **NON-DISCRIMINATION STATEMENT** *reviewed 6/16/25*

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, including: General Education, Agriculture, Health Care, Construction Technologies, Welding, Cosmetology, EMT, Harley Davison, John Deere, Masonry, and HVAC. FSCC is an open enrollment institution. Inquiries concerning Fort Scott Community College's compliance under these laws, should be directed to contact the College's Title IX Coordinator, Vanessa Poyner, 2108 S. Horton, Fort Scott, Kansas 66701 (620) 223-2700 or [vanessap@fortscott.edu](mailto:vanessap@fortscott.edu). For Section 504 inquiries, please contact Disabilities Coordinator, Ashley Keyton, 2108 S. Horton, Fort Scott, Kansas 66701 (620) 223-2700 or [ashlevk@fortscott.edu](mailto:ashlevk@fortscott.edu).

## **RECRUITMENT CODE OF CONDUCT** *approved 2/24/25*

### **Introduction**

Recruitment professionals are critical in helping students make informed decisions about their academic futures. At Fort Scott Community College (FSCC), our recruitment practices are built on the principles of honesty, integrity, transparency, equity, and respect for students, families, and fellow education professionals.

This Recruitment Code of Conduct establishes clear ethical standards that guide our recruitment staff in serving students while upholding the integrity of FSCC. By following these principles, we aim to build trust, promote student success, and ensure that every student's dignity, worth, and potential are recognized throughout their college journey.

This Code of Conduct aligns with best practices outlined by the National Association of College Admission Counseling (NACAC). It is a supporting document for compliance with Higher Learning Commission (HLC) Policy CRRT.C.10.0100 FDCR.A.20.020 on Recruiting, Admissions, and Related Institutional Practices.

### **Core Values**

- **Education**

We are committed to educating students, their families, and the community about the transition to college, available academic opportunities, and the support services that ensure student success.

- **Access and Equity**

FSCC actively works to expand access to higher education and eliminate barriers based on race, ethnicity, religion, sex, gender identity, sexual orientation, socioeconomic status, age, political affiliation, national origin, or disability.

- **Professionalism**  
Ethical behavior is the foundation of our recruitment efforts. We prioritize integrity, fairness, and respect when interacting with prospective students.
- **Collaboration**  
We work alongside faculty, staff, community members, and educational partners to advocate for students and their best interests.
- **Trust**  
Our recruitment practices are transparent and based on honesty, ensuring that students and families receive accurate and reliable information.
- **Social Responsibility**  
As an institution of higher learning, we are committed to serving our communities, supporting student aspirations, and fostering a culture of lifelong learning.

## **Guiding Principles and Rationale**

### **1. Sharing of Accurate Information**

FSCC recruitment staff must provide factual, comprehensive, and up-to-date information to help students make informed decisions. This includes:

- Accurately representing FSCC's academic programs, student services, and campus opportunities.
- Providing clear and truthful information regarding enrollment requirements, degree pathways, and transfer options.
- Ensuring that alums, representatives, third-party contractors, and other recruitment partners follow the same ethical guidelines.

### **2. Transparency in Marketing Materials**

All FSCC marketing materials will present accurate and detailed information regarding:

- Enrollment deadlines, scholarships, financial aid opportunities, and application requirements.
- Academic programs, career pathways, and student life opportunities.
- Tuition, fees, and financial aid options should be in a way that prospective students can easily understand.
- Significant changes to institutional policies due to extraordinary circumstances (e.g., pandemics, state or federal regulatory updates).

Additionally, FSCC marketing materials will NOT:

- Use high-pressure tactics to induce immediate enrollment.
- Offer incentives (such as prizes, free goods, or waived fees) to encourage enrollment.
- Make misleading claims about guaranteed employment or earnings post-graduation.
- Use translations that misrepresent or omit critical details from the original content.

### **3. Fair and Impartial Recruitment Practices**

To ensure that students receive honest, unbiased guidance, FSCC recruitment staff will:

- Treat all students fairly, respectfully, and professionally, free from high-pressure or coercive recruitment tactics.
- Limit unsolicited recruitment contacts (e.g., phone calls, emails, in-person visits) to no more than three per day and no more than two per month for military-connected individuals.
- Ensure that FSCC recruitment personnel and contractors are well-trained, properly credentialed, and adhere to the institution's ethical standards.
- Oversee third-party contractors involved in recruitment to ensure they meet the same qualifications, training, and ethical standards as FSCC staff.
- Avoid conflicts of interest, including:
  - Compensation based on the number of students recruited or enrolled.
  - Offering or accepting incentives, gifts, or monetary rewards in exchange for enrollment decisions.
- Ensure that students complete their own enrollment documentation without unauthorized staff intervention.
- Safeguard student information and maintain confidentiality in accordance with FSCC policies and federal regulations.

#### 4. Commitment to Confidentiality and Data Protection

FSCC is committed to protecting student privacy. All recruitment professionals must:

- Handle student records and personal information with confidentiality.
- Follow FERPA (Family Educational Rights and Privacy Act) guidelines.
- NOT share a student's directory information or financial aid details without written consent unless required by law or a public records request.

#### Implementation and Oversight

The FSCC Admissions Office will monitor compliance with this Recruitment Code of Conduct. Any concerns or violations should be reported to the FSCC administration. Regular training and professional development will be provided to ensure that all recruitment staff and partners are fully aware of and adhere to these ethical guidelines.

Fort Scott Community College is committed to ethical recruitment practices that empower students to make informed choices about their futures. By upholding the values of honesty, integrity, transparency, and student-centered decision-making, FSCC ensures that all students receive the guidance and support they need to succeed.

This Recruitment Code of Conduct reflects our dedication to fairness, professionalism, and social responsibility. It ensures that our recruitment efforts align with our institutional mission and the best interests of our students and communities.

#### **SEX OFFENDER NOTIFICATION POLICY** *approved 10/21/2, reviewed 6/16/25*

##### **Procedures: Campus Sex Crime Prevention Act**

[2000 – The Campus Sex Crimes Prevention Act](#) – Passed as part of the Victims of Trafficking and Violence Protection Act, the Campus Sex Crimes Prevention Act:

A federal law, the Campus Sex Crimes Prevention Act amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, requires registered sex offenders to indicate when they are enrolled or employed at institutions of higher learning.

The law further requires state law enforcement authorities, in this case the Kansas Bureau of Investigation, to provide Fort Scott Community College Dean of Students Department with a list of registered sex offenders who have indicated that they are either enrolled or employed at Fort Scott Community College.

In accordance with Kansas State Statute 22-4904 ("Registration of Offender"), convicted sex offenders in Kansas must register with the county sheriff within 3 days of establishing permanent or temporary residence.

This law requires that higher education issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. Any member of the FSCC community who wishes to obtain further information regarding sexual offenders on campus may refer to the [KBI website](#) searchable database. The [KBI searchable database](#) may be used to find all registered sex offenders in any city, county or ZIP code in the state.

Additionally, federal and state laws require sex offenders to take certain steps upon enrollment in an institution of higher education, regardless of whether their enrollment is full or part time. Pursuant to the [Campus Sex Crimes Prevention Act](#), individuals are required to register as a sex offender in the jurisdiction where their residence is located and, in the jurisdiction, where the college they attend is located. In order to comply with federal and state registration requirements related to college enrollment, a sex offender must register within five days of attendance by reporting in person to the Dean of Students. Students who fail to register their status as sex offender is in violation of the registration act and face arrest and expulsion from the college. Fort Scott Community College reserves the right to limit enrollment or the activities of students who are registered sex offenders. Students who fail to comply with this policy are subject to immediate cancellation of current classes. Employees who fail to comply with the policy may be

subject to dismissal.

**Once a registered sex offender is identified as a Student of Fort Scott Community College (all campus locations) the following procedure will be followed:**

1. Upon enrollment of a registered sex offender, the Dean of Students will review the student's class schedule and determine which restrictions should be put in place.
2. After determining the appropriate restrictions for a particular student, the Dean of Students will contact the registered sex offender student for a meeting to discuss the restrictions which will be in place while the student is on the college's campus.
3. During the meeting with the Dean of Students or designee and the registered sex offender student, the Dean of Students will provide the student a written letter containing the restrictions the student must abide by while on the college's campus and will discuss each restriction verbally with the student. During this meeting, the student will also be advised that his/her failure to comply with the restrictions outlined in the letter may result in denial of enrollment, access to campus and /or the decision to initiate police action against them by the local police department.
4. If a sex offender student is enrolled in a college class along with a student who is under the age of 18, the Dean of Students will notify the instructor of the class of the student's status as a sex offender. The Dean of Students will also determine if there are other college staff members who need to be notified of a student's status as a registered sex offender in order to protect persons under the age of 18 on the college's campus. In some circumstances, the registered sex offender may be required to enroll in a course section that does not contain minors.
5. The FSCC Dean of Students will maintain a database of all registered sex offender students and employees. The database will contain identifier information as outlined in the [Campus Sex Crimes Prevention Act](#). This information will be available for review by any person requesting information on registered sex offenders enrolled or employed by the college.

**MILITARY SERVICE**

FSCC recognizes that the National Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

1. Employment will not be denied because of service in the Guard or Reserve.
2. Employee job and career opportunities will not be limited or reduced because of service in the Guard and Reserve.
3. Employees will be granted leaves of absence for military service in the Guard and Reserve, consistent with existing laws.

**ADA/EQUAL ACCESS**

Fort Scott Community College is complying with the Americans with Disabilities Act, and is committed to equal and reasonable access to facilities and programs for all employees, students, and visitors. Those with ADA concerns, or who need special accommodations, should contact the Human Resources Office.

**OPEN RECORDS POLICY** *revised 1/24/22*

The Kansas Open Records Act grants the public the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. The Kansas Open Records Act (KORA), K.S.A. 45-215 et seq., as amended, states "public records shall be open for inspection by any person." Public records are "records made, maintained, created or possessed by a public agency." Fort Scott Community College is classified as a public agency for the purposes of this Act. The college has designated the Board Clerk as the Information Officer with the authority to establish and maintain a system of records in accordance with KORA. The officer may be reached in the FSCC Business Office or at 620-223-2700.

Requests for public records shall be submitted in writing to the college's information officer. Use of Fort Scott Community College's Public Records Request form is suggested to optimize accuracy and timeliness; however, a request in any written format containing the requestor's name and contact information will be addressed.

The information officer shall examine each request to determine whether the record requested is an open record or is subject to an exception of the Kansas Open Records Act that would allow the record to remain closed. The information officer may also refuse to provide access to a public record or to permit inspection if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to

disrupt other essential functions of the district. The information officer shall either grant or deny each request as soon as possible, but not later than the end of the third business day following the date the request is received. If the request cannot be acted upon immediately, the information officer shall notify the requestor within the three-day window when the open record will be made available.

K.S.A. 45-219 authorizes reasonable charges to be assessed to cover costs incurred providing requested materials. As such, the following fee schedule is established by Fort Scott Community College.

- Records requiring less than 30 minutes to obtain No fee
- Records expected to require more than 30 minutes to produce \$50/hr (1 hr minimum)
- Records requiring review or input by college attorney or redaction \$200/hr (1 hr minimum)

*\*\*For records requiring attorney consultation as well as FSCC time in excess of 30 minutes, both the attorney rate and FSCC rate will be assessed.*

Fort Scott Community College shall provide an estimate of the charge to the requestor, and payment of estimated fees shall be paid in full prior to records production.

Standardized reports provided by the College will either be hard-copy, Adobe Portable Document Format (PDF), or in another format already utilized by the College to produce the requested report.

The use of names, addresses, and any other information derived from public records for the purpose of selling or offering for sale any property or service to persons listed therein is prohibited by K.S.A. 45-230.

## **ACADEMIC FREEDOM**

The Board of Trustees and the Fort Scott College Association of Professional Employees (FSCAPE) agree that academic freedom is essential to the fulfillment of the purposes of the college. They acknowledge the fundamental need to protect from any censorship or restraint the status of Professional Employees which might interfere with their obligation to pursue truth in performance of their functions.

Professional Employees are entitled to freedom in searching for better ways of instructing and in publishing about their methods of instruction, subject to adequate performance in their other academic duties and responsibilities. Faculty members are entitled to freedom in the classroom in discussing subject matter, but they should be cautious about introducing controversial matter which has no relationship to the subject. The college retains the right to make content-based decisions when shaping its curriculum.

Research or publication conducted during the college workday shall be subject to the approval of the President of the college or his/her designee.

When a faculty member speaks or writes outside of his/her instructional responsibilities, he/she speaks or writes as a citizen and shall have the same rights and responsibilities for such actions as any other citizen.

## **PROGRAM REVIEW** *approved 11/18/2, reviewed 6/16/25*

Periodically, all programs need to be revisited to ensure they are meeting the needs of students and the institution. A systematic program review showcases the strengths of a program and may provide insights into areas of improvement. Program evaluation serves the following purposes:

- Confirms the importance of the program as a part of the college or college curriculum
- Explains how the program meets the needs of students and serves the institution
- Provides the opportunity to expand or contract services as needed
- Provides an incentive to develop innovative new programs, creative approaches to instruction, and interdisciplinary connections in learning

All programs and departments are reviewed once every three to five years.

## **PRIVACY ACT** *reviewed 6/16/25*

Family Educational Rights and Privacy Act (FERPA) permits institutions to identify certain items of information as "Directory Information." This information may be released upon request unless the student has indicated in writing to

the Registrar during the first ten (10) days of the semester that he/she does not wish for this information to be released. If the student makes such notice, **all** Directory Information will be withheld from publication.

FSCC identifies “Directory Information” on each student as the following:

- Name
- Address
- Telephone Listing
- Date and place of birth
- Major field of study
- Classification
- Participation in officially recognized college activities
- Sports – weight and height of athletic team members
- Dates of attendance
- Degrees or certificates earned
- Awards received
- Most recent previous educational institution attended
- Photograph

This list does NOT include: copies of transcripts, social security numbers, or information on class schedules. When information is released (other than the categories listed above) without specific written permission of the student, the law is being violated. Requests for information should be referred to the Registrar’s Office. Copies of the complete Student Records Policy may be obtained upon request from the Registrar.

#### **PUBLIC DISPLAY OF ART / PRINTED MATERIALS** *reviewed 6/16/25*

The First Amendment’s protection of free speech is central to the pursuit of truth, self-governance, advancing autonomy, encouraging public debate, and promoting tolerance. Each of these components is essential to preserving the educational role of schools in a democratic society. Therefore, it is an educational institution’s duty to actively support and encourage the freedom of expression throughout its campus.

Persons who disagree with the public display of particular works of art or printed materials on the college campus (or are offended by particular works) may register their complaint to the President who will convene the Visual, Creative and Performing Arts Council to review the complaint. This council will consider First Amendment protections along with obscenity standards to determine whether such work shall be removed from public display.

#### **STUDENT PUBLICATIONS** *reviewed 6/16/25*

The Board encourages the use of college-sponsored publications to express students’ points of view. The publication must remain within the bounds of lawful speech at all times. Specifically, but without limitation, it must:

- Refrain from publishing defamatory material
- Refrain from publishing obscene material
- Refrain from unwarranted invasions of personal privacy

The Student Government Association has the authority to revoke the publications’ official sponsorship within the bounds of constitutional guarantees.

#### **CHILDREN ON CAMPUS**

Children of either staff, faculty, or students are allowed on campus only under the following conditions:

- Staff/faculty/students who bring children to the FSCC campus assume all associated risks.
- Children are allowed on campus only on a short term emergency basis; faculty who have children present on campus for more than two days in a row, for an extended portion of the day, may be asked to remove the child from the campus.
- Children must ALWAYS be accompanied by a parent or guardian whenever present on campus.
- Children may not be left in the care of a faculty or staff member.
- Children must be removed from the campus immediately if they become noisy and/or disruptive.
- Children are allowed in classes on an emergency basis, but only at the discretion of the individual instructor.

Instructors have the right to deny children in their classes, even on an emergency basis.

## **DRUG/ALCOHOL FREE CAMPUS**

Alcoholic beverages and illegal drugs are prohibited on College property.

The possession, distribution, or use of alcoholic beverages, or the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on the FSCC campus, within the college buildings, or at any college-sponsored event is strictly prohibited. Violation will result in immediate disciplinary action up to and including dismissal from the college.

FSCC has long recognized that an academic community is harmed in many ways by the abuse of alcohol and the use of the other drugs. This high-risk behavior is exemplified by decreased productivity of members of the community, serious health problems, strained and social interactions as well as forms of vandalism. Problems associated with the illicit use and abuse of substances have a pervasive impact upon the academic community and are not associated with a single socioeconomic group or age level. The processes of education and learning are especially impaired by alcohol abuse and the use of illicit drugs. FSCC subscribes to the basic philosophy of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse.

1. FSCC enforces clear policies that promote an educational environment free from the abuse of alcohol and other drugs.
2. FSCC will provide an educational program for its students for the purpose of preventing alcohol and other drug abuse as well as, providing educational information to the academic community for them to make informed and responsible decisions concerning the use of any controlled substance.
3. FSCC will create an environment that promotes and reinforces: healthy responsible living; respect for community laws, campus standards and regulations; the individual's responsibility within the community; and the intellectual, social, emotional, spiritual or ethical and physical well-being of its community members.
4. FSCC will provide opportunity for a reasonable level of care for alcohol and other drug abusers through counseling, referral and treatment. The college is committed to a healthy environment for learning and living.

## **EXEMPTION FROM ALCOHOLIC BEVERAGES POLICY**

Pursuant to K.S.A. 41-719, the board of trustees of a community college may exempt from the prohibition against consumption of alcoholic liquor on public property, specified property which is under the control of said board and which is not used for classroom instruction, in accordance with a written policy adopted by such board, and the Board of Trustees of Fort Scott Community College hereby determines and declares that the following property should be and is here now exempt from said statutory prohibition, to wit:

- **Danny and Willa Ellis Family Fine Arts Center**
- **East Campus**

***Along with concrete and patio areas attached to the Danny and Willa Ellis Family Fine Arts Center and East Campus building, within 50 feet of the building, following all city and county ordinances.***

The written policy as hereinafter set forth shall be complied with in regard to the consumption of alcoholic beverages in and on said properties of Fort Scott Community College, to-wit:

1. Any event or activity pursuant to this policy shall be in full compliance with the Kansas Liquor Control Act.
2. Thus, for example, under no circumstances shall any individual under the age of 21 be served or be allowed to consume alcoholic beverages at any event.
3. No alcohol may be served or used on the campus of FSCC except in or on said properties, and at performing arts or fund-raising events sponsored by the College, the Greyhound Club, or the FSCC Endowment Association.
4. All events must be approved in advance by the President.
5. The alcoholic beverages to be served shall be provided by the sponsoring organization, shall be the property of the sponsoring organization, and shall be removed from FSCC property immediately upon conclusion of the event.
6. All applicable ordinances of the City of Fort Scott shall be complied with.
7. In all cases, obtaining any required liquor permit shall be the responsibility of the sponsor.
8. In no event shall alcoholic beverages be served before 10:00 a.m. or after 12 midnight on any day.



## **DRUG/ALCOHOL USE**

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in or on college property, or in any vehicle while such vehicle is being used to transport students for the Fort Scott Community College, or at any college sponsored event, and attendance of college events while under the influence of drugs is strictly prohibited. Possession, distribution or use of alcoholic beverages, including 3.2 beer, is also not allowed.

## **TOBACCO FREE CAMPUS** *revised 9/24/18, reviewed 6/16/25*

Fort Scott Community College (FSCC) is committed to providing a safe and healthy working and learning environment for the students, faculty, staff, and visitors on its campus, and hereby adopts the following smoke free policy. This policy applies to all FSCC employees, students, independent contractors, and visitors.

"Tobacco and Smoke Products" include, but are not limited to, inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or similar product containing lighted or heated tobacco and/or other plant material intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form, as well as electronic delivery devices that create an aerosol or vapor of nicotine or any other substance.

Fort Scott Community College campuses shall be entirely smoke free effective October 1, 2018. The Smoke free Policy applies to all FSCC facilities, properties, and vehicles, owned or leased by the college, regardless of location, including distant campuses, sites, and/or locations. Smoking and/or tobacco products as defined herein shall not be permitted in any enclosed place, including, but not limited to, all offices, vehicles, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, performance venues and private residential space within FSCC housing. Smoke products as defined herein shall also be prohibited outdoors on all FSCC campus properties, including, but not limited to, parking lots, paths, fields, sports/recreational areas, and stadiums.

It is the responsibility of all students, faculty, staff and visitors to observe, adhere to, and respect the College's Smoke Free policy. Students, faculty, and staff are encouraged and empowered to respectfully inform others about the policy in an ongoing effort to support the FSCC's goal of becoming smoke free and improving individual health and well-being.

This policy shall be enforced by the office of the President. Each violation is dealt with by the appropriate campus disciplinary procedures.

## **DANGEROUS WEAPONS AT THE COLLEGE** *revised 6/28/17*

The possession and use of firearms, explosives, and other weapons are prohibited on the campus of Fort Scott Community College, with the limited exception of concealed handguns as provided in the policy. The purpose of this policy is to describe how handguns may be carried, stored, and managed on the campus of Fort Scott Community College in as safe a manner as possible. This policy is in accordance with the Kansas Board of Regents policy and state law, KSA 75-7c01, et seq., Fort Scott City Ordinance 9.4.01.0.

*Geographic Applicability* - This policy is applicable only within the geographic limits of the Fort Scott Community College campus. Campus is defined as any building or grounds or grounds owned by Fort Scott Community College or any building or grounds leased by Fort Scott Community College for college use.

### **I. Definitions:**

#### **Weapons**

1. Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
2. Any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including those that are concealed or openly carried;
3. Any BB gun, pellet gun, air/C02 gun, any taser or similar electrical weapon that discharges, a projectile, blow gun, projectile stun gun;
4. Any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than 1/4 ounce;
5. Any incendiary or explosive material, (liquid solid, or mixture) equipped with a fuse, wick or other detonation device;
6. Any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray and /or direct contact stun guns shall not be deemed to be a weapon for the purposes of this policy;
7. Any knife, commonly referred to as a switch-blade, which has a blade that open automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that

open or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

8. Any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation of service of food shall not be construed to be a weapon for the purposes of this policy;
9. Any martial arts weapon such as nunchucks or throwing stars;
10. Any longbow, crossbow and arrows or other projectile that could cause serious harm to any person: or
11. Any other dangerous or deadly weapon or instrument of like character.

#### **Handgun**

1. A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing ammunition or
2. Any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be a fired by the use of a single hand.

#### **Firearm**

1. Any handgun, rifle, shotgun, and other weapon which will or is designed to expel a projectile by the action of an explosive.

### *II. Prohibitions and Restrictions to the Carrying of a Concealed Firearm Pursuant to Kansas Law:*

Open carry of firearms by any means is prohibited. The carrying of any rifle, shotgun, or other long gun by any means is prohibited; it is a violation to openly display any lawfully possessed concealed carry handgun while on campus except when lawfully using the handgun in self-defense or when transferring to safe storage.

Kansas law outlines the following restrictions to the concealed carrying of a handgun. Failure to comply with the following restrictions is a violation of college policy and Kansas Law:

1. Individuals in possession of a concealed handgun must be at least 21 years of age. [K.S.A. 21-6302(a)(4)];
2. A firearm cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual incapable of safe operation the firearm.
3. A firearm cannot be fired in the corporate limits of a city, at a dwelling, structure, or vehicle in which a human is present, except in self-defense [K.S.A. 21-6308, 6308a];
4. A firearm cannot be carried by an individual who is both addicted to and an unlawful user of a controlled substance [K.S.A. 21-6301(a)(10)];
5. A firearm cannot be carried by an individual who is or has been a mentally ill person subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
6. A firearm cannot be carried by an individual with alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
7. A firearm cannot be carried by an individual who has been convicted of a felony crime. [K.S.A. 21-6304];
8. An automatic firearm cannot be carried [K.S.A. 21-6301(a) (5)];
9. Any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight is illegal [K.S.A. 21-6301(a)(6)];
10. Any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm is illegal [K.S.A. 21-6301(a)(4)].

### *III. Carrying Safety Requirements:*

Any individual who is 21 years of age or older and who is lawfully eligible to carry a concealed handgun is wholly and solely responsible for carrying, storing, and using that handgun in a safe manner and in accordance with the Kansas law, Kansas Board of Regents policy and college policy. Concealed means completely hidden from view and does not reveal the weapon in any way, shape or form.

Whether on their person or in a personal carrier, every handgun carried by an individual must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures any external hammer in an uncocked position. The handgun must be secured in the holster with a strap or by other means of retention. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling.

Handguns with an external safety must be carried with the safety in the “on” position. The handgun must be in the person’s custody and control at all times with safety mechanism engaged.

Handguns must be carried securely in a suitable carrier (backpack, purse, handbag, or other personal carrier designed and intended for the carrying of an individual’s personal items). The suitable carrier must at all times remain with the exclusive and uninterrupted control of the individual. This includes wearing the carrier with one or more straps consistent with the carrier’s design, carrying or holding the carrier, or sitting the carrier next to or within the immediate reach of the individual.

#### *IV. Campus Gun-Free Locations with Adequate Security Measures:*

There are no college locations designated as gun free with permanent adequate security measures. The college may designate a specific location as temporarily gun free and use temporary adequate security measures as defined and required by law and Kansas Board of Regents policy. Appropriate notice will be given whenever this temporary designation is made.

#### *V. Handgun Storage:*

Handgun storage is prohibited at Fort Scott Community College except in the following circumstances: (1) in an individual’s privately-owned or leased motor vehicle when the vehicle is locked and the handgun is secured in a location within the vehicle that is not visible from outside the vehicle; or, (2) in an individual’s on-campus residential unit when the handgun is secured in a holster and in an approved storage device (see below).

##### ***Approved Storage Device***

The college does not provide approved handgun storage devices to any person, under any circumstances. Each individual who stores a handgun in an on-campus residence must provide their own approved storage device.

An approved storage device meets the following criteria:

1. Is of sufficient size to fully enclose the handgun while secured in an approved holster (as defined in Section III);
2. Is constructed of sturdy materials that are non-flammable;
3. Has a combination, digital, or other secure locking device that can only be unlocked by the individual using the storage device. Devices secured exclusively with a key lock are prohibited;
4. Device is constructed specifically for the storage of a handgun and/or ammunition. All ammunition stored in an on-campus residence must be stored in an approved storage device.

##### ***Prohibited Storage***

1. In any college classroom, lab, office, or facility;
2. In a residence hall, except in the residential unit of the individual who is at least 21 years of age, legally owns the handgun, and has the handgun secured in an approved storage device;
3. In a motor vehicle that is unlocked or when the handgun is visible from the outside of the vehicle;
4. In any other location or under any circumstance except as specifically permitted by this policy or the state of federal law.

#### *VI. Violations Process:*

All suspected weapons policy violations will be reported to the Fort Scott Police Department.

Initial investigations will be conducted by college officials and the Fort Scott Police Department to determine if college of Kansas Board of Regents policy has been violated. If the investigation determines a crime has been committed, a separate criminal investigation will be conducted, unrelated to policy. If college policy has allegedly been violated, the matter will be reported to the college administrative team. When there is probable cause to believe that a weapons policy violation has occurred, or continued possession and carrying by the alleged policy violator will create imminent danger to self or others, the Fort Scott Police Department have authority to disarm and/or temporarily confiscate a firearm and issue a restriction to not carry a concealed firearm on campus pending results of the investigation.

The President, or his or her designee, may take any temporary action as determined necessary to ensure the safety of the college and of its students and personnel. Any individual who violates one or more provisions of this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and may be cited accordingly. Any employee or student of the college who violates one or more provisions of the policy shall be subject to discipline in accordance with applicable college codes of conduct. Any individual who violates state or federal law may be detained, arrested, or otherwise subjected to lawful processes appropriate to the circumstances.

**PEACEFUL ASSEMBLY** *approved 12/16/24, reviewed 6/16/25*

Fort Scott Community College (FSCC) values the rights of individuals to engage in peaceful assembly and expression. As a public educational institution, FSCC's facilities, grounds, and resources are dedicated to providing high-quality education and fulfilling the College's mission. The public character of FSCC does not extend to unrestricted use of its property, and individuals must exercise assembly rights in ways that do not disrupt or interfere with college operations, activities, or safety. This policy outlines guidelines balancing FSCC's educational mission with First Amendment expression.

**Procedures:**

1. **Eligibility for Campus Use:** In accordance with this policy, individuals or groups may use designated areas of the FSCC campus for First Amendment activities.
2. **Notification Requirement:** Groups must notify the FSCC Dean of Students or designee at least one week (7 calendar days) prior to the Event. The notification must include:
  - The name, address, and contact details of the sponsoring organization;
  - The name and contact details of an event organizer;
  - The date, time, and requested location for the Event;
  - The purpose and nature of the Event;
  - Information on any sound amplification devices; and
  - Estimated number of participants.
3. **Signage:** Signs may be no larger than 2' x 2', with each participant allowed one sign.
4. **Event Scheduling:** No Event may take place on the same date as other major College events expected to attract over fifty (50) people. Events are limited to weekdays, 8:00 a.m. to 8:00 p.m.
5. **Event Duration:** Each Event may last up to five hours.
6. **Event Location:** Unless otherwise approved, the designated assembly area is the lawn adjacent to the Danny and Willa Ellis Fine Arts Center. Approval must be obtained from the FSCC Dean of Students or designee.
7. **Sound Amplification:** Permitted within the designated assembly area if the volume does not disrupt College operations, including classes, residence halls, offices, or other activities.
8. **Information Distribution:** Handouts are permitted provided they are not obscene, libelous, or advocating unlawful conduct. Inclusion of the Sponsoring Organization's name is recommended.
9. **Solicitations:** Selling or soliciting funds is not allowed during Events.
10. **Building Access:** Demonstrations or events are not permitted inside FSCC buildings.
11. **Cleanup Responsibility:** The sponsoring organization is responsible for restoring the area to its original condition. Additional charges may apply if damage or excessive cleanup is required.
12. **Safety and Compliance:** All fire, safety, and sanitation regulations must be observed, and no College utilities or hook-ups will be provided.

13. **Traffic and Safety Considerations:** The Event must not obstruct campus traffic or access to FSCC buildings and should not pose safety risks to students, employees, or visitors.
14. **Academic Interference:** Activities must not interfere with instructional or operational activities at FSCC.
15. **Protection of Rights:** Events must not infringe on the rights of FSCC students, staff, or visitors.
16. **Disruption and Termination:** FSCC may terminate an Event that becomes disruptive. Organizers are financially responsible for any necessary restoration if the event area is left in disarray.
17. **Compliance with Policies and Laws:** All Events must comply with FSCC policies, Kansas Board of Regents regulations, and relevant local, state, and federal laws.
18. **Presidential Authorization:** The FSCC President or their designee may authorize First Amendment activities that, despite minor procedural deviations, do not disrupt FSCC activities. Content neutrality will be observed.
19. **Authority to Remove Individuals:** Any person violating this policy may be asked to leave the campus by FSCC security personnel. Noncompliance may result in criminal trespass charges.
20. **Support for Expression:** FSCC recognizes and upholds the rights of non-College groups to engage in First Amendment activities. This policy ensures such activities align with the College's mission and operational needs.

## **CELL PHONES**

Employees in specific college positions are required to carry cell phones so that they can be contacted. Cell phone equipment purchases and service must be authorized by the President or the Vice President of Finance and Operations. Employees are not permitted to sign agreements, purchase goods, or make changes to phone plans. Supervising Dean or Director will determine whether an employee's job warrants a cell phone.

Employees required to carry cell phones may select from three options:

1. Elect to use the phone for college business use only.
2. Elect to use the phone for college business and personal use and pay a monthly taxable rate.
3. Elect to use their own personal cell phone for college business and receive a predetermined monthly allowance.

When cell phones are issued, the employee must complete an Employee Declaration of College Issued Cell Phone Usage. If an employee elects to make personal calls on the college cell phone, the cost of the phone will be considered taxable income to the employee.

Employees are responsible for reimbursing the college for unauthorized use or charges at a rate determined by the Vice President of Finance and Operations. Authorized users are responsible for reimbursing the college for the replacement cost of a lost or stolen cellular phone. The supervising Dean will determine if its loss, damage, or theft was due to gross negligence.

## **WEB PAGE PUBLISHING** *reviewed 6/16/25*

The purpose of the FSCC website is to provide external and internal information about FSCC's mission, services, events, and programs. In addition, web pages may be used to provide access to educational resources, informational tools, navigational aids, and to further the professional growth and development of the faculty and staff.

## **APPROPRIATE USE FOR TECHNOLOGY RESOURCES**

Appropriate use of information technology resources includes instruction, academic research, and official work of the offices, units, recognized student and campus organizations, and divisions of the college.

Employees should have no expectation of privacy or the ability to restrict access to any information generated during the course of their work, or entered in any college computer.

FSCC, through the Information Technology Department, provides computing resources and worldwide network access for legitimate academic and administrative purposes. Individuals utilizing FSCC computer and network resources are

expected to be aware of specific policies governing their use, and should act responsibly while using shared computing and network resources.

Employees are not to charge personal long distance calls to the college. Employees needing to make personal long distance calls during their shift must use a personal credit card or have the call charged to their home phone number.

#### **SOCIAL MEDIA** *reviewed 6/16/25*

Fort Scott Community College welcomes the responsible use of social media technologies to support engaged and transformative learning and to reach out effectively to our broader community. Our rich and diverse use of social media also allows us to share, in a public way, the many qualities and strengths of our academic institution. From that perspective, FSCC intentionally uses social media to advance the institution and build relationships with important constituencies like prospective and current students, donors and alumni. The venues to accomplish this are numerous and include social networking sites (like Facebook, and Twitter), content sharing (through YouTube), and through the College's web presence (including [www.fortscott.edu](http://www.fortscott.edu)). Through these venues we can communicate important information and engage others in areas of mutual interest.

The College also recognizes the open nature of social media, which is often used for both personal and professional purposes. Social media can also create a sense of role ambiguity. It may not always be clear when one is speaking on behalf of the College, sharing facts, or sharing personal/professional opinions. This policy is designed to help our employees navigate through this ambiguity and clarify certain responsibilities when posting material online. It is important to remember that we are subject to the same laws, professional expectations, and guidelines when interacting online as we would in-person with students, parents, alumni, donors, and the media.

#### **Section 1: Laws, Regulations, and Policies that Govern What You Can Post Online**

This section outlines governing regulations that apply to all users of Fort Scott Community College social media when posting material online. In some cases, violations could lead to disciplinary action or termination.

1. Protect confidential and proprietary information: Do not post confidential or proprietary information about Fort Scott Community College students, employees, or alumni. All persons must follow the applicable federal requirements such as FERPA and HIPAA.

Adhere to all applicable institutional and legal privacy, confidentiality and property policies and laws.

2. Respect copyright and fair use: When posting, be mindful of the copyright and intellectual property rights of others and of the College.

3. Use Fort Scott Community College intellectual properties only with permission: No user may establish social networking sites that use the Fort Scott Community College logo or other intellectual properties such as photography, video, artwork, and publications copyrighted to the College without authorization from the College. It is a violation of social networking site policies to represent an institution without authorization.

4. Disseminating official information: Public Relations and other designated offices are responsible for posting and publishing online official information on behalf of the College.

#### **Section 2: Guidelines for Institutionally Sponsored and -Moderated Social Media Sites**

These guidelines apply to institutional accounts that are set up, maintained and moderated by Public Relations on sites like Facebook and Twitter. These guidelines also apply to department moderated social media sites.

1. Institution-moderated social networking sites: Fort Scott Community College has institution-moderated social network sites managed by Public Relations and Admissions staff. These sites can be used by the campus community to disseminate information to various audiences including prospective students, donors, alumni, and visitors of the College. Individual departments may choose to establish a department-moderated site when these institution-moderated sites are not applicable for their needs. Departments are required to contact the Public Relations Office to set up their own site. Before establishing a page, the FSCC employee must notify their supervisor of their intent to create a facebook page. When the supervisor approves the establishment of the page, that supervisor will then oversee their site by randomly monitoring the page. The supervisor and FSCC reserve the right to monitor content posted under the FSCC affiliation and by FSCC employees on facebook, and to modify or remove any messages or postings that it deems, in its sole discretion, to be abusive, defamatory, in violation of the copyright, trademark right or other intellectual property right of any third party, or otherwise inappropriate for the service.

2. As part of the social media framework, FSCC maintains an official presence on YouTube. This site offers content to inform audiences about the mission and activities at the College and are often linked and accessed through our social media sites as well. FSCC maintains an institutional presence on these sites with content produced or endorsed by the College. These sites are maintained by the Public Relations office to reach alumni and friends as well as by the Admissions Office to reach prospective students. They serve as a clearinghouse for content produced and/or endorsed by that College for these audiences. Other departments and offices may contribute content to these official sites when approved by Public Relations or Admissions.

3. If you operate a department-moderated social networking site: Departments shall consider their particular audience, message and goals and have a strategy for keeping information on their social media site up-to-date. The intention and purpose of the department moderated sites should be specific in order to protect the College's institutional voice. Efforts shall be made to cross-link to institution-moderated sites managed by Public Relations or Admissions and/or to College content on [www.fortscott.edu](http://www.fortscott.edu) when relevant. Use of images, naming conventions, pictures/graphics and posted content must directly relate to the particular department or activity to avoid confusion with institution moderated sites. The web team may also encourage the department to use the College presence to offer an integrated user experience and to take advantage of certain additional features available. For example, content from departments and programs could be published within a playlist on one of the College's institutional sites operated by Public Relations or Admissions. In addition, the College sites may offer additional benefits to the department in terms of content exposure and the size of videos that could be uploaded and the length of time these videos will remain on the site. "Alternate" accounts that appear to represent our official presence on these sites are not permitted.

4. Administrative access to FSCC-sponsored social media sites: A member of the Public Relations Office and the Departments direct supervisor shall be included as an administrator on any social networking site that is moderated and maintained as an official presence of the college. There are several important reasons for this. We are assured that these networks are managed when staff members leave. This practice also allows us to communicate efficiently during an emergency and it allows us to track usage and quickly remove content that violates this policy. Site administrators are still responsible for their social media networks and the PR administrator typically serves as a backup.

5. Instructional use of social media sites: Faculty do not need to use our official presence on various social media sites and can use these tools freely to support teaching and learning activities. Departments and programs that want to establish "official" presences on these sites shall register with the Public Relations Office.

### **Section 3: Posting Online and When Using College-Moderated Sites**

This section provides guidelines for all users of Fort Scott Community College social media when posting material online.

1. Understand how your role may impact how others interpret what you say: If you choose to list your work affiliation on a social network or identify your association with the College then you should regard all communication on that network as you would in a professional network. What you publish online should never be attributed to the College and shall not appear to be endorsed by or originating from the College, unless you are authorized to officially act in this capacity on behalf of the College.

2. Know the terms of service of your social media platform: Be sure to understand and follow the terms of service of any social media platform you use. You are personally responsible for compliance.

3. Be accurate and transparent: Have the facts before you post. Social networks are successful when they offer authentic and direct communications via user-generated content. Social networks are interactive with a two-way flow of information. If you are representing Fort Scott Community College when posting, acknowledge this by including your name and job title or department as a signature to your post."

4. Respect others' privacy: Take care not to post private information concerning others such as an e-mail from a colleague or contact information. Please exercise good "netiquette." Social networks are in the public realm and are not appropriate venues for the discussion or dissemination of private matters.

5. Additional care must be taken when participating in FSCC sponsored and moderated social media sites. The below "best practices" (i.e. items 6 through 8) particularly apply to our moderated sites that are set up to reach specific audiences to carry out mission critical functions from fund raising to admissions.

6. Consider the intended audience when posting: College moderated sites are frequented by prospective students, alumni, friends, and other interested parties. The College encourages thoughtful social media interaction and does not seek to censor contributions to these sites. However, profanity, racist, sexist, or derogatory remarks, content that incites hate or encourages unethical or illegal activities, comments on litigation involving the College, spam and off-topic remarks may be removed and the user could be banned from further participation on the site.

7. Be relevant and respectful: Be thoughtful, accurate, relevant and respectful on FSCC moderated sites. Our FSCC-moderated social networks are successful when members contribute thoughtful and relevant content. Have a comment? Post it. Have a suggestion? Tell us about it. Have a different opinion? State it, respectfully. Want to locate alumni in your area? Do it. Want to offer a unique perspective? Share it. Want to air a grievance? Take care to ensure that your statements are relevant and do not violate confidentiality and others' privacy. Social networks are often not the best forums for raising grievances that might be better addressed in other venues or handled privately.

## **FACULTY, STAFF, AND STUDENT EMAIL POLICY**

### **1. Purpose and Scope**

The purpose of this document is to describe the common policies and practices relating to email accounts on the FSCC domain; specifically, those of the form "username@fortscott.edu". This policy describes the situations in which an account will be created, when it will be discontinued, and who is eligible to receive an account.

### **2. Creation of Faculty & Staff Email Accounts:**

- a. Faculty and Staff email accounts must be requested by the Human Resources office by submitting a "Helpdesk Form" or "New Employee Accounts" form, which can be found on the FSCC employee pages. The President's office may submit the request on behalf of Human Resources if HR personnel are unavailable to do so. If you are unsure whether or not the form has been submitted on your behalf, please request assistance from Human Resources, your Department Chair / Director or the Information Technology Office.
  - I. Account names will be the entire first name, followed by the first letter of the last name when possible.
  - II. Typically, a generic password will be created for an employee, and then communicated to the employee or Department Chair / Director. A specific password can be requested, but must meet the following minimum password standards:
    1. At least six characters in length
    2. Include one numeric value
    3. Any variation of the account name (i.e., account name asmith with a password of asmith1 or smith1) may not be present in the password.
  - III. After the account creation, the employee may change their password themselves at any time. This is done by pressing ctl-alt-del at your Windows™ workstation and changing your Domain password (may not apply to some remote campus users). Password changes may also be requested through the Information Technology office and must be requested using the "Helpdesk form" located in the employee pages portion of the website.

### **3. Closing of Faculty & Staff email accounts:**

- a. When a faculty or staff member is no longer an employee of FSCC, the Information Technology staff will close the account at the request of the Human Resources Department. That request will typically be via the "Helpdesk Form" or "New Employee accounts" form although, in some cases, may be communicated verbally, or through a Dean as required.
- b. If necessary, at the request of Human Resources or the Department Chair / Dean, email intended for a terminated user may be redirected to, or migrated to, another FSCC employee for the purpose of continuing a communication channel to the public.
  - I. This redirection will be for a period of no more than 90 days unless special arrangements are made with Information Technology Staff.
  - II. Migrated mail will not be deleted or removed after the 90 day period, only redirected mail.

### **4. Eligibility for FSCC Faculty & Staff email accounts**

- a. FSCC will provide email accounts to Full-Time Faculty and Staff members at the request of the Human Resources Department when such email address is reasonably necessary to perform their job function.



- b. Adjunct email addresses will be of the form [username]@teach.fortscott.edu. FSCC will provide email accounts to adjunct faculty members upon request under the following circumstances:
  - I. The Vice President of Academic Affairs has determined that the email account is reasonably necessary to create a closer association to the institution.
  - II. The Instruction Office requests the email account creation through the “Helpdesk Form” in the employee pages area of the FSCC website.
  - III. In these instances, it will be the responsibility of the Instruction Office (not Human Resources) to notify Information Technology department of the adjunct faculty member’s resignation / termination so that the account may be closed.

#### **5. Student Email Accounts**

- a. FSCC will provide a single email address per student at the time of admission. Students admitted prior to Fall 2011 will be assigned in a one-time bulk process.
- b. The accounts will be created by an automated process and will be available to the student within 48 hrs of the online admission form being processed.
- c. The password will be chosen by the student at the time they fill out the online admission form and the student will be required to change it at first login.
- d. Academic advisors will have the tools to help students reset a forgotten password just as they do today for Campus Connect Passwords.
- e. Beginning with the Fall of 2011, all FSCC communications with a student should be sent to their FSCC email address only. This is to strengthen FERPA requirements which require the college to protect all electronic communications with students. Since FSCC creates the email accounts for the student and provides the password to ONLY the student, we are ensuring that we communicate (potentially protected) academic information with the student and the student only.

#### **6. Forms / References / Related Policy**

- a. All FSCC email address holders are subject to the “FSCC Computer and Network Usage Agreement” (approved by Board of Trustees 08/2008) located at the following URL:  
<http://www2.fortscott.edu/benefits/pdf/FSCCAUP.pdf> (requires employee pages login)

Helpdesk Form mentioned above may be found in the employee pages of the FSCC website or at the following URL:  
<http://helpdesk.fortscott.edu>

#### **FSCC COMPUTER AND NETWORK USAGE AGREEMENT**

Fort Scott Community College, through the Information Technology Office, provides computing resources and worldwide network access for legitimate academic and administrative purposes. Individuals utilizing FSCC computer and network resources are expected to be aware of specific policies governing their use, and should act responsibly while using shared computing and network resources. This applies not only to College employees and students, but also to 3<sup>rd</sup> party individuals or entities granted access to FSCC network resources.

At times, FSCC may elect to provide network access to individuals or entities operating inside our facilities. These arrangements will be made to further the academic vision and mission of FSCC and all use by these outside entities will be subject to the following policies and restrictions. All policies are subject to change as the computing and network environment evolve.

Each person using FSCC computer and network resources should:

1. Abide by common security measures implemented to protect FSCC information, data, and systems.
  - a. Examples of adhering to these measures include, but are not limited to:
    - i. Periodic establishment of new passwords for your computer accounts.
    - ii. Protecting the confidentiality of passwords.
    - iii. Limiting use to only the registered account owner.
  - b. Examples of misuse include, but are not limited to:
    - i. using a computer account and/or obtaining a password that you are not authorized to use
    - ii. using the FSCC network to gain unauthorized access to any computer system.
    - iii. Leaving a list of personal passwords in an unsecured location (i.e. sticking on monitor).
    - iv. Sharing your username and / or password with another (including work-study or other FSCC employees).
2. Clearly and accurately identify yourself in electronic communications. Using any methods to Conceal or mask the identity of electronic communications will constitute a violation of this policy.

- a. Electronic communications shall include but not be limited to:
    - i. Email
    - ii. Instant messaging
    - iii. Bulletin boards
    - iv. Web postings
3. Use computer and network resources efficiently. Usage of high-bandwidth applications should not be allowed to interfere with other legitimate purposes.
  - a. Installing and playing network games are prohibited unless part of an established curriculum.
  - b. Kazaa, Limewire, Bearshare, Frostwire, Bittorrent, Gnutella and other "peer-to-peer" file sharing applications are prohibited for anything other than legitimate, lawful purposes.
    - i. Legal use may include, but not be limited to:
      1. Downloading software patches direct from the software publisher via Bittorrent
      2. Downloading Linux ISO images via Bittorrent
    - ii. Prohibited uses may include, but are not limited to:
      1. Downloading copyright protected music (in violation of federal copyright law)
      2. Downloading copyright protected movies (in violation of federal copyright law)
      3. Downloading copyright protected software (in violation of federal copyright law)
  - c. Other examples of inappropriate use include deliberately wasting computer resources by sending unsolicited email and sending "chain letters" or engaging in "pyramid" schemes.
4. Ensure that others are free from harassment or intimidation. This includes, but is not limited to, harassment and intimidation of individuals on the basis of race, sex, religion, ethnicity, sexual orientation, disability, etc.
5. Ensure that the use of computer and network resources is academic or research oriented. Use of FSCC computer or network resources for personal profit or commercial gain is prohibited.
  - a. The exception is in the instance of 3<sup>rd</sup> party entities that have been granted network access by FSCC administration.
  - b. These entities may, by their nature, be viewed as using the network for commercial gain, but use is still restricted to the activities that are approved by FSCC administration. These activities will be in line with FSCC goals and missions and in support of the FSCC community.
6. Respect copyright and intellectual-property rights. Users must adhere to all federal and state copyright laws, and the terms and conditions of any and all software licensing agreements and/or copyright laws as specified by the vendor or licensor.
7. Respect College property. Misuse of College property includes, but is not limited to,
  - a. Theft or damage of equipment or software,
  - b. Knowingly running or installing computer viruses or password acquiring programs.
  - c. Attempting to circumvent installed data protection methods
  - d. In any way attempting to interfere with the physical computer network/hardware, or attempting to degrade the performance or integrity of any campus network or computer system.
8. Misuse of computing and network resources or non-compliance with written usage policies may result in one or more of the following consequences:
  - a. Temporary deactivation of computer/network access
  - b. Permanent deactivation of computer/network access
  - c. Termination of contractual agreements between FSCC and the 3<sup>rd</sup> party entity.
  - d. Expulsion from school or termination of employment
  - e. Legal prosecution under applicable Federal and State laws
  - f. Possible penalties under the law, including fines and imprisonment

I hereby acknowledge that The Information Technology office is authorized and expected to identify, monitor, and manage all computers and software connected to the FSCC network for compliance with the above policies. I understand that the Information Technology office may require security or monitoring software to be installed on a computer prior to connection at their discretion.

## **USER ACCOUNTS AND PASSWORD POLICY** *reviewed 6/16/25*

### **Personal Account Responsibility.**

Users are responsible for maintaining the security of their own IT Systems accounts and passwords. Accounts and passwords are normally assigned to single Users and are not to be shared with any other person without authorization of the Information Technology Department. Sharing consists of intentionally communicating that password to another user, or logging in with your own account and allowing another user to assume your privileges. Users are presumed to be responsible for any activity carried out under their IT Systems accounts.

### **Account Password Policies**

Fort Scott Community College employs many different types of technologies and many different Operating Systems. It is the responsibility of the Information Technology department to develop, implement, and maintain secure password guidelines for each technology or operating system. Information Technology will require periodic password changes of all users to minimize the possibility of a user's account being misused in the event that it is discovered, overheard, or obtained via electronic means. Users are responsible for ensuring the security of their passwords and should not leave their computers unattended while logged in.

### **Systems Authority**

While Fort Scott Community College is the legal owner or operator of all IT Systems, it delegates oversight of particular systems to the head of a specific subdivision, department, or office of the College, or to an individual faculty or staff member. This oversight is referred to as the user having "*Systems Authority*" over the systems in question.

### **Account Privileges / Levels**

All Faculty and Staff users will have limited user accounts on their own FSCC systems to prevent unauthorized software installation and maximize the availability of the system for the user. During troubleshooting, IT staffers may occasionally elevate a user's account, then revert it when said troubleshooting is completed. The following exceptions may be granted at the discretion of the Director of Information Technology and the employee's supervising Dean or Vice President.

1. In the case where a faculty or staff member is the primary responsible party for an academic or departmental computer lab consisting of 5 or more computers, that staff or faculty member may request an exception in writing to their supervising Dean or Vice President. The Dean or Vice President will then consider the reasons for the request, and if appropriate, forward the request to the Director of Information Technology. That faculty or staff member may be granted an exception that will provide them an account with elevated privileges. That account will be restricted to only the permissions necessary to perform most software and driver installs and may or may not be a typical "Administrator" account. The elevated privileges granted will only be applicable to the aforementioned lab machines and that user's own FSCC owned desktop or laptop.
2. In the case where a faculty or staff member demonstrates to their supervising Dean or Vice President good cause why this restriction will regularly and repeatedly prevent them from performing their primary job functions, that Dean or Vice President may request an administrative exception. That faculty or staff member may be granted an exception that will provide them an account with elevated privileges. That account will be restricted to only the permissions necessary to perform most software and driver installs and may or may not be a typical "Administrator" account. The elevated privileges granted will only be applicable to that user's own FSCC owned desktop or laptop.
3. In the case of a remote campus site (not on the grounds of Ft. Scott's main campus), the site Associate Dean or Director may request an exception through their supervising Dean or Vice President. The Dean or Vice President will then consider the reasons for the request, and if appropriate, forward the request to the Director of Information Technology. This exception would provide that Director or Associate Dean with a single user account that has elevated privileges. That account will be restricted to only the permissions necessary to perform most software and driver installs and may or may not be a typical "Administrator" account. The elevated privileges granted will only be applicable to the remote campus machines for which that person has been given Systems Authority and that user's own FSCC owned desktop or laptop. In this instance, it may be permissible for that Director or Associate Dean to designate another user at their campus as the person to hold this account and its privileges.

IN ALL CASES where an exception has been granted, the user holding that elevated username and password may be held responsible for any and all activities performed with that elevated account. Furthermore, it is the responsibility of the user to notify IT of any significant changes to the software or hardware on the machine.

Examples of significant changes to the machine may be:

- Adding software that was not on the original IT rollout image
- Adding permanent hardware devices such as scanners, printers or additional monitors.
- Removing software that was on the original IT rollout image.

The user will never provide that username or password to anyone else for their use on any machine. IT will assume no responsibility for data lost, or damage caused by the use of these elevated accounts.

## **AUTOMATED EXTERNAL DEFIBRILLATOR POLICY AND PROCEDURES *approved 9/23/24***

### **STATEMENT OF PURPOSE**

Cardiovascular disease is the single greatest cause of death in the United States. Nearly half of these deaths are due to sudden cardiac arrest (SCA) in out-of-hospital settings, including the workplace. Prompt application of the integrated skills of cardiopulmonary resuscitation (CPR) and automated external defibrillation provide victims of SCA with the greatest chance of survival. Therefore, the college recommends AED deployment provided appropriately trained personnel are available.

An AED is used to treat victims who experience sudden cardiac arrest. It is only to be applied to victims who are unconscious, not breathing normally, and show no signs of circulation such as normal breathing, coughing, or movement. The AED will analyze the heart rhythm and advise the operator if a shock-able rhythm is detected. If a shock-able rhythm is detected, the AED will charge to the appropriate energy level and deliver a shock

### **APPLICABLE DOCUMENTS**

- ✓ FSCC Emergency Action Plan
- ✓ FSCC AED Policy and Procedures
- ✓ Kansas Board of Emergency Medical Services Statutes on AED

### **PROGRAM CO-COORDINATORS**

Vanessa Poyner, Dean of Students

Conor Chadwell, Director of Sports Medicine

### **COORDINATOR RESPONSIBILITIES**

- ✓ Communication with CHC of Fort Scott on issues related to the medical emergency response program including post event reviews
- ✓ Coordination of the medical emergency response team (MERT) members and distribution of MERT member lists as required
- ✓ Coordination of training for the MERT members including First Aid/CPR and AED certifications
- ✓ Coordination of equipment and accessory maintenance
- ✓ Review of this policy with all members involved on an annual basis

### **MEDICAL EMERGENCY RESPONSE TEAM (MERT) MEMBER RESPONSIBILITIES**

- ✓ Provide prompt emergency care, including administration of CPR and the AED
- ✓ Understand and comply with the requirements of FSCC's AED policy
- ✓ Follow the more detailed FSCC AED policy/procedures
- ✓ Direct Emergency Medical Service (EMS) personnel to the site of the medical emergency

### **SWITCHBOARD RESPONSIBILITIES**

- ✓ Receiving emergency medical calls from internal FSCC locations
- ✓ Contacting EMS if required (DIAL 911)

- ✓ Deploying the FSCC medical emergency response team (MERT) members to the location of the emergency
- ✓ Directing EMS personnel to the site of the medical emergency
- ✓ Having a list of team members and their phone numbers available at the switchboard desk at all time

### **VOLUNTEER RESPONDER RESPONSIBILITIES**

The extent to which individuals, at their discretion, respond with voluntary assistance to victims of medical emergencies shall be appropriate to their training and experience. The emergency medical response may include:

- ✓ Activating FSCC's emergency response system by calling the switchboard and giving the location of the medical emergency
- ✓ Providing First Aid and/or CPR
- ✓ Activating the AED (only MERT members, or other individuals, who are health care providers legally certified for defibrillator use, may administer the AED)

### **EQUIPMENT**

The AED should be brought to all medical emergencies. The AED should be used on any person who is at least eight years of age and displays ALL the symptoms of cardiac arrest. The AED will be administered only after the following symptoms are confirmed:

- ✓ Victim is unconscious
- ✓ Victim is not breathing
- ✓ Victim has no pulse and/or shows no signs of circulation such as normal breathing, coughing or movement

### **ACTIVATION OF EMS SYSTEM**

The first responder will notify 911 and the Switchboard. If after 5:00 pm, the first on the scene (or designee) will have to activate the Bourbon County EMS by calling 911.

### **LOCATION OF THE AED'S**

- ✓ The FSCC AEDs are located throughout the FSCC campus and are marked with white AED signs with red hearts. An alarm sounds when the cabinet door is opened and silences when the cabinet door is closed.
- ✓ Arnold Arena ----- Athletic Training Room
- ✓ Hill Street Weight Room ----- Outside Office Door
- ✓ Dick Hedges Administration Building ----- Bookstore Entryway
- ✓ Dick Hedges Administration Building ----- Nursing Hallway

- ✓ Bailey Hall Northeast Entryway
- ✓ The AED will have one set of defibrillation electrodes connected to the device and one spare set. The spare set and a resuscitation kit including two pairs of latex-free gloves, one razor, one set of trauma shears, and one facemask barrier device are located inside the lid of the AED case.

#### **COORDINATION OF MEDICAL EMERGENCY RESPONSE TEAM (MERT) MEMBERS**

MERT members are volunteers and will be included in MERT if they are willing to respond to medical emergencies at FSCC and go through the CPR/AED training.

#### **MEDICAL EMERGENCY RESPONSE TEAM (MERT) MEMBERS – AED AUTHORITY**

All members must successfully complete an AED training course approved by the state. Training will be provided. MERT members will also be trained in standard precautions against bloodborne pathogens. The Program Coordinator shall maintain training records of all MERT members.

#### **INITIAL AND REFRESHER TRAINING**

Initial CPR/AED training will be provided to volunteer MERT members. Refresher training will be provided periodically or on an as needed basis; at the minimum, every year per American Heart Association or American Red Cross guidelines.

#### **MEDICAL RESPONSE DOCUMENTATION INTERNAL**

##### **POST EVENT DOCUMENTATION**

It is important to document each use of the medical emergency response system. The following forms shall be sent to the Program Coordinator within 24 hours of the medical event. A Serious Incident Report shall be completed by the responding MERT for each accident requiring the use of AED. These forms can be found at [fortscott.edu](https://fortscott.edu/accident/) at the bottom of the Report a Problem page.

<https://fortscott.edu/accident/>

##### **EXTERNAL POST EVENT DOCUMENTATION**

Medical emergencies involving the use of an AED require special documentation.

- ✓ All patient information generated during the AED use must be collected into the patient's confidential medical file.
- ✓ A copy of the AED use information shall be presented to Vanessa Poyner, Conor Chadwell, and the Bourbon County EMS within 72 hours of the emergency. Ata

minimum, event information supplied shall include any recorded data and all electronic files captured by the AED.

### **EMERGENCY EQUIPMENT - ZOLL AED PLUS**

Remember the AED is a fragile device. Care should be used when handling the AED. It should not be dropped, shaken, or stored where it could get wet or exposed to extreme heat. There is a battery check on the exterior that should be checked monthly. An X in the window indicates the batteries are charged. Replacement batteries are ten (10) Type 123 Lithium batteries (Duracell Ultra).

### **EQUIPMENT MAINTENANCE**

All equipment and accessories necessary to support medical emergency response shall be maintained in a state of readiness. FSCC Program Coordinator shall be informed of changes in the availability of the AED. If the AED is withdrawn from service, the Program Coordinator shall be informed and then notified when the AED is returned for service.

- ✓ The Program Coordinator shall be responsible for informing the response team of changes in availability of the AED
- ✓ The Program Coordinator shall be responsible for having regular AED maintenance performed. All maintenance procedures are outlined in the operating instructions. Records will be kept in the Program Coordinator's office.
- ✓ Following use of the AED, all equipment shall be cleaned and/or decontaminated as required. If contamination includes body fluids, the equipment shall be disinfected according to procedure.

### **ANNUAL SYSTEM ASSESSMENT**

Once each calendar year, the Program Coordinator shall conduct and document a system readiness review. The review shall include the following:

- ✓ Training records
- ✓ Operation records and maintenance

### **MONTHLY MONITOR AND SYSTEM CHECKS**

Once each calendar month, the Program Coordinator or designee shall conduct and document a system check. These records shall be retained according to the schedule established for the health and safety function. This check shall include review of the following elements.

- ✓ AED operation and status
- ✓ AED battery life
- ✓ Emergency kit supplies
- ✓ MERT member phone/room number list availability
- ✓ Switchboard checklist availability

#### **AFTER USE**

- ✓ The Program Coordinator will be responsible for downloading the AED data within 24 (business days) and copies will be sent to EMS and the Medical Advisor. One copy is sent to the Medical Advisor and one copy is kept by the Program Coordinator for FSCC for AED quality assurance records.
- ✓ AED is wiped clean and disinfected according to policy
- ✓ Supplies for cleaning the AED can be found at the receptionist's desk
- ✓ The Program Coordinator will be responsible for following the manufacturer's suggestions for maintenance of AED after incident, such as
  - Contents of attached resuscitation kit will be replaced as needed
  - Electrodes will be replaced and reconnected to device
  - Batteries must be replaced

#### **POST EVENT REVIEW**

Following each deployment of the MERT or use of the AED, a review shall be conducted to learn from the experience. The Program Coordinator shall conduct and document a post event review. All key participants in the event shall participate in the reviews. Included in the review shall be the identification of actions that went well and the collection of opportunities for improvement as well as critical incident stress debriefing. The Program Coordinator, according to the record retention policy, shall maintain a copy of the post event review summary.

#### **PROFESSIONAL SERVICES TO THE COLLEGE** *reviewed 6/16/25*

##### **College Attorney**

The Board shall appoint, either on a full-time or retainer basis, an attorney to serve as the Board attorney. His/her primary function is to provide professional legal counsel and representation to the Board and President. The performance of the Board Attorney shall be subject to evaluation on a continuing basis by the Board and President. Appointment shall be for a one-year term with reappointment subject to Board approval. For special purposes, as deemed appropriate by the President, other attorneys may be engaged.

##### **College Auditors**

The Board shall appoint a Kansas licensed CPA to perform the annual audit of Fort Scott Community College, the Athletic Association and the Fort Scott Community College Endowment Association. The term of the engagement shall be determined at renewal.

The performance of the Board Auditors shall be subject to evaluation on a continuing basis by the Board and the President.

##### **College Bank Services**

The Board shall appoint a banking institution to serve the college. The primary function is to provide professional banking services to the college. The performance of the banking services shall be subject to evaluation on a continuing basis by the President and appropriate staff. If it is determined that the services can be provided more efficiently or effectively, the services will be put out for bid.

##### **College Architectural Services**

The Board shall appoint, either on a full-time or retainer basis, an architect to serve as the College architect. His/her primary function is to provide professional architectural services and representation to the Board and President. The performance of the Board architect shall be subject



to evaluation on a continuing basis by the Board and President. If it is determined that the services can be provided more efficiently or effectively, the services will be put out for bid.

#### **Consultants and Independent Evaluators**

In order to pursue its educational mission and also to protect the public's financial investment in the college, the services of qualified professional consultants and/or evaluators may be engaged to provide insights and ideas for dealing with especially difficult problems and/or special services which the staff is unable to provide. The kinds of assistance sought from consultants may include, but will not be limited to: (1) conducting fact finding, surveys and research, (2) providing counsel or services requiring special expertise, and (3) assisting with development of policy or program.

#### **FAIRNESS IN WOMEN'S SPORTS** *approved 9/25/23*

Interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by Fort Scott Community College (FSCC) shall be expressly designated as one of the following based on biological sex:

- (1) Males, men or boys;
- (2) females, women or girls; or
- (3) coed or mixed

Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex.

FSCC shall use information collected when individuals elect to participate on a team or in a sport to determine which gender team is appropriate for respective students. Should a dispute arise, FSCC shall refer to the original birth or adoption certificate completed at or near the time of birth. If the original birth or adoption certificate is not available, documentation provided by a licensed physician indicating biological sex at birth may be utilized. If biological sex at birth is unable to be determined by the above means, the student shall be eligible to participate in male, men's, boys, coed, or mixed athletic activities only.

#### **HONORARY ASSOCIATE DEGREE POLICY** *approved 2/25/19, reviewed 4/21/25*

Fort Scott Community College Board of Trustees awards the honorary associate's degree to recognize extraordinary contributions that advance the mission and student success of Fort Scott Community College. The Honorary Associate Degree will be conferred to one or two individuals per year at commencement ceremonies in May.

##### **A. Purpose:**

- To honor individuals who have demonstrated outstanding service to Fort Scott Community College and to recognize persons whose lives serve as examples of the College's aspirations for our students.

##### **B. Criteria:**

- Individuals who have made a significant, noteworthy contribution to advance Fort Scott Community College as a comprehensive institution.
- Individuals who have demonstrated lasting commitment and admirable service to education and strong advocacy for the community college mission.
- Individuals who have shown outstanding altruism that enhances the quality of life for others at Fort Scott Community College and/or community.
- Individuals with outstanding contributions to the arts that enhances the quality of life for students and the community.
- Individuals who have shown extraordinary achievement in a field or vocation which Fort Scott Community has a program.

##### **C. Awarding of Honorary Degrees:**

- Honorary degrees shall be conferred by the Board of Trustees at commencement exercises.
- Honorary degrees shall be bestowed by the College President, the Chair of the Board of Trustees, or a Trustee designated by the Chair.
- Honorary degrees may be awarded in absentia and posthumously, but only upon recommendation by the Board of Trustees in the case of extraordinary and compelling circumstances.

**D. Selection Process:**

- The Board of Trustees will select the person or persons to receive the Honorary Associate Degree. At the discretion of the Chairman of the Board, an advisory committee made up of current trustees, Director of the FSCC Foundation, member of the FSCC alumni association, faculty, current students, and others may be appointed to assist in the process.
- Current faculty, staff, and trustees are not eligible. Faculty, staff, and trustees who have been separated from the College for at least five years are eligible.
- Generally the College will award no more than two honorary degrees in any academic year.

## **D. FISCAL MANAGEMENT**

### **GOALS AND OBJECTIVES**

It is the policy of the Board to adhere to strict fiscal accountability procedures as outlined in Board policies and rules. The College shall make every effort to secure goods and services from responsible merchants and vendors at a price and quality that best serves the interests of the College, students, and taxpayers. The operating budget will be funded according to approved fiscal and budgetary procedures.

### **RESERVE UNENCUMBERED FUND BALANCE (CASH RESERVES) POLICY** *approved 10/21/24*

The objective of the reserve policy is to provide adequate resources for cash flow and contingency purposes while maintaining reasonable tax rates.

To protect the financial stability and integrity of the College and to provide sufficient liquidity required for daily operations, the Board of Trustees shall include in each annual operating budget a reserved unencumbered fund balance in the unrestricted general funds of 3% of projected revenue for each fiscal budget year, subject to annual adjustment limitations.

To achieve the goal of \$3,500,000.00, the Board will recommend the transfer of 3% of projected revenue per month.

If the minimum reserve fund balance at the end of any fiscal year is less than \$1,000,000.00, the president will recommend the Board transfer, at a minimum, amounts necessary to increase the fund balance to \$1,000,000.00 or \$300,000.00, whichever is less. If the shortfall is more than the \$300,000.00, the president shall notify the board which may, subject to fiscal limitations, authorize the transfer of additional amounts it deems prudent to increase the fund balance to \$1,000,000.00.

### **OPERATING BUDGET SYSTEM**

The Board delegates to the President the authority to develop a budget preparation system which will ensure maximum fiscal and educational value for each dollar spent and provide data and a basis for the interpretation of data. The budget will be prepared by the President in cooperation with selected college employees and shall reflect the mission of the college. A preliminary draft of the budget will be submitted to the Board on or before the July Board meeting each year. The Board encourages detailed cost analysis studies of all programs that are funded by the college's budget. The Board will establish priorities for the college on a short term, intermediate, and long range basis. The President shall establish deadlines and time schedules and the college shall follow the adopted budget.

### **BUDGET HEARINGS AND REVIEWS**

The Board will conduct budget hearings according to state law. All budget reports, cover letters and copies of the draft budget will be available to the public upon request.

### **EMPLOYEE INVOLVEMENT IN BUDGET PLANNING** *reviewed 4/21/25*

To assist in budget preparation, departments must make a reasonable estimate of their budget for the ensuing academic year. Employees may be requested to restrict their purchases within the budget to a percentage basis contingent upon full funding at a later period. Requests for special equipment not normally within the departmental budget should be made to the division chairperson or supervisor, and then to the appropriate Dean or Vice President. Such requests are subject to prioritization and availability of funds.

### **INVESTMENT OF FUNDS**

The investment of excess college funds shall be the responsibility of the President or designated representative. Funds will be invested as required by federal and state laws.

**GIFTS AND BEQUESTS** *reviewed 4/21/25*

Income derived from gifts and bequests will be credited if possible to the fund requested by the donor. All gifts will be regarded as college or endowment association property.

**DISPOSITION OF SURPLUS PROPERTY** *approved 2/24/25*

This policy governs the disposal of surplus property in a manner that ensures accountability, transparency, and the responsible use of college resources. *Surplus Property* refers to FSCC-owned assets and inventory, including but not limited to equipment, furniture, supplies, and other personal property that is obsolete, damaged, worn out, or no longer needed by any department within the College. Surplus property does not include real estate. Property declared surplus that was purchased with federal funds will be disposed of as required by the rules specific to the funding source. The disposition of college-owned real estate requires prior authorization by an affirmative vote of at least two-thirds of the Board of Trustees.

The President or designee shall be authorized to dispose of surplus property. Before designating the property as surplus, reasonable efforts shall be made to redistribute the property for use within the College. The disposition of surplus property should emphasize stewardship of public assets, support the College's mission, promote sustainability, ensure fairness and transparency, and comply with all applicable laws and regulations.

Surplus property may be disposed of through the following methods:

1. Trade-in;
2. Advertised public sale (by public auction, fixed price, negotiated price, or informal bidding);
3. Donation to educational institutions or nonprofit organizations;
4. Recycling or salvage;
5. Trash (as a last resort after all other methods have been considered).

When determining the disposal method, the President, or designee, shall make every effort to maximize the value and benefit to the College while considering associated costs. Disposal by trash shall be used only when all other alternatives have been exhausted. Before disposal, all FSCC logos and insignia must be removed from the property.

A detailed list of surplus property disposed of under this provision shall be included in the consent agenda for review at the next Board of Trustees meeting.

This policy ensures timely and responsible management of surplus property while maintaining compliance with Kansas Statute 75-6602 regarding the disposal of public property.

**DEPOSITORY FUNDS**

The Board of Trustees will designate the official depository at the July meeting each year.

**BONDED EMPLOYEES** *reviewed 3/24/25*

The Board shall purchase a blanket or surety bond for all college employees and the following special positions: Vice President of Finance and Operations - \$50,000; Treasurer - \$50,000; Cashier - \$25,000; Cashier - \$5,000.

**INVENTORIES**

An accounting will be made annually for all property, real and personal, owned by the college with a copy of the inventory kept by the Vice President of Finance and Operations and operations. Each college Dean or Vice President has the responsibility of taking an inventory of college owned property in all buildings under his/her supervision, using a plan developed by the Vice President of Finance and Operations and operations, and using the college's system of marking new inventory. All inventory records shall be updated annually, showing deletions and additions of college owned property, estimated value, estimated original cost, and date of purchase, serial numbers, and location and condition of each piece of property. Instructors shall identify new equipment so that the information can be recorded.

**AUTHORIZATION TO PURCHASE (BIDDING POLICY)** *revised 4/22/24, 9/23/24, 12/16/24*

Expenditures of more than twenty thousand dollars (\$20,000.00) for construction and repairs, or for the purchase of and contracts for supplies, materials, equipment, and contractual services must be approved by the Board of Trustees. The President is authorized to approve the expenditure of twenty thousand dollars (\$20,000.00) or less for construction and repairs, or for the purchase of and contracts for supplies, materials, equipment, and contractual services on behalf of the Board of Trustees, and to execute contracts for same. The Board of Trustees shall receive reports on any purchases and contracts at the next regular meeting of the Board of Trustees. Reasonable administrative purchasing guidelines which involve comparison of product and service costs, availability, and administrative verification of the most responsible purchasing decisions applicable to each situation shall be followed. Bids may be requested for expenditures under twenty thousand dollars (\$20,000.00) when such bids might be to the economic benefit of the college.

1. **PURCHASES GREATER THAN \$20,000** Any expenditure involving an amount of more than twenty thousand dollars (\$20,000.00) for construction and repairs, or for the purchase of and contracts for supplies, materials, equipment, and contractual services shall require sealed proposals. All contracts for construction and repairs, and all purchases of and contracts for supplies, materials, equipment, and contractual services shall be awarded to the lowest cost supplier on the basis of competitive price quotations, except in any of the following circumstances:
  - a) True “sole source” procurements of unique goods or services available only from a single supplier with no competition. An RFP must be used when two or more dissimilar but potentially acceptable alternatives are available and the total cost for the contracted goods or services will exceed the sum of \$20,000.
  - b) Payments for fees and taxes, and purchases of contracted services or materials procured from the State of Kansas, its departments, its political subdivisions, agencies of other states or subdivisions thereof, or agencies of the U.S. Government.
  - c) Annual renewals of contracts for services or leases of property of equipment covering a period exceeding one year, provided that such contracts for services (but not leases of property of equipment) shall not exceed a term of five years.
  - d) Payments for services supplied by regulated public utilities and transportation companies.
  - e) Payments of wages, salaries, and fringe benefits to college personnel and reimbursements for travel and other work-related expenses.
  - f) Payment for services rendered by licensed or certified professionals. However, the Board of Trustees and the administration will annually evaluate the performance of at least the following professional services, and the administration will periodically issue request for proposals as directed by the Board of Trustees: a. Attorney and legal services b. Certified Public Accountant and Auditor c. Architectural Services d. College Property and Liability Insurance Agent/Broker
  - g) Payments of financial aid grants and loans awarded to registered students of the college
  - h) Purchases of real property, provided, however, that any purchase of real property must first be approved by the Board of Trustees.
  - i) Purchase/Reimbursement of goods for resale by the college bookstore or other departments of the college.
  - j) Purchases of goods and services by separate student, alumni, and other organizations through accounts maintained for them by the college as fiscal agent.
  - k) Purchases of goods at a commercial auction provided the total purchase price for all items does not exceed \$10,000.
  - l) Purchases of educational materials directly tied to curriculum and secured by copyright.
  - m) Payment for emergency repairs (including supplies, materials, equipment, and contractual services) where student living conditions and/or employee working conditions would be adversely affected without the immediate restoration of service.

- B. Except procurements excluded under Section 1 above, all contracts for construction and repairs, or for the purchase of and contracts for supplies, materials, equipment, and contractual services shall be awarded to the lowest cost supplier on the basis of competitive price quotations or proposals determined by the following procedures:
    - 1. If it is estimated that the **procurement will exceed \$20,000**, competitive bids will be solicited for not less than 10 (ten) business days prior to the date stated for the opening of the bid.
      - a) Competitive bids will be solicited by notice published in the following areas: i. Public Record for Fort Scott Tribune ii. the college's public website iii. Bids will be solicited by invitation to prospective vendors The administration will make every reasonable effort to locate and send invitations to bid to qualified vendors located in Bourbon County, to qualified vendors who have provided similar goods or services to the college in the past, to vendors that have expressed interest in receiving such invitation to bid, and to any other qualified vendor who may be capable of providing a superior product at a competitive price.
      - b) All bids will be sealed when received (emails bids are accepted on an as requested and approved basis) and will be opened in public at the time and place stated in the bid notice.
      - c) Bids will be evaluated for conformity and follow-up/clarifying questions may need to occur.
      - d) The administration will report to the Board of Trustees the results of the bid and provide all supporting documentation and vendor communication.
      - e) It will be the policy of the Board of Trustees to award contracts for procurement on the basis of sealed bids to the lowest bid which fully complies with all bid specifications.
      - f) The college administration is authorized to utilize the services of licensed professional architects or engineers for the administration of the sealed bid process for the procurement of goods and services for constructions, reconstruction, or remodeling on real property improvements
2. **PURCHASES GREATER THAN \$10,000 BUT LESS THAN \$20,000** If it is estimated that the procurement will exceed \$10,000, but be less than \$20,000:
- a) Quotation shall informally be obtained from three (3) or more qualified sources of supply with consideration of quality and consideration of local businesses.
  - b) The quotes will be presented to the VP of Finance and Operations for final approval.
3. **PURCHASES GREATER THAN \$2,000 BUT LESS THAN \$10,000** If it is estimated that the procurement will exceed \$2,000, but be less than \$10,000:
- a) Quotation shall informally be obtained from two (2) or more qualified sources of supply with consideration of quality and consideration of local businesses.
  - b) The quotes will be presented to the VP of Finance and Operations for final approval
- A. The college may participate in cooperative procurement efforts with other education institutions, pricing consortiums, or public agencies to combine purchasing power and obtain more favorable pricing. The section specifically includes the Kansas State Contract. Procurements of individual items through such programs are exempted from the provisions of Sections B.1, B.2, and B.3 above, provided that the collective procurement follows a competitive bid process similar to the provisions of sections B.1.
  - B. In cases where two or more goods or services are available from different vendors which are substantially different or unique in character, but may each be potentially capable of meeting the needs of the college, the administrations may utilize a Request for Proposal (RFP) procurement process rather than a sealed competitive bid process, regardless of the expected total price of the procurement.
    - a) The administration shall provide bid specifications which defines the quality of the goods or services to be provided.

- b) A time will be scheduled as soon as feasible after the response deadline for the top 3 vendors to present their proposal and demonstrate their product to an evaluation committee appointed by the administration.
  - c) The recommended proposal choice must be submitted in writing to the Board of Trustees by the evaluation committee, and must be justified through an evaluation of all relevant factors in comparison to all other
  - d) deemed the preferred bidder and awarded the bid if all of proposals received.
- C. All contracts for the purchase of goods and services will be awarded on the basis of conformity to specifications developed by the administration. Such specifications will constitute an adequate basis for defining and evaluating the goods or services in the specified time frame and in the specified quality and quantity. No such specifications will be fixed in a manner which effectively reasonably competitive bids on alternative products or services which adequately meets the needs of the college. It will be the policy of the administration of the college to develop and implement standardized specifications for procurements whenever feasible.
- D. Whenever the Board of Trustees of the college solicits bids for construction and repairs, or for the purchase of and contracts for supplies, materials, equipment, and contractual services submitted by bidders domiciled within Bourbon County and by bidders domiciled outside Bourbon County, and the low bid is submitted by a bidder domiciled outside Bourbon County, the Bourbon County domiciliary which submitted the lowest bid may be the following are met:
  - a) The quality, suitability, and usability of the construction, reconstruction, remodeling, materials, goods or wares are equal; and
  - b) The amount of the bid of the Bourbon County domiciliary is not more than three percent (3%) greater than the amount of the low bid; and
  - c) The Bourbon County domiciliary agrees to meet the low bid by filing a written agreement to that effect within 72 hours after receiving notification of being deemed the preferred bidder.
  - d) For the purpose of this Authorization to Purchase policy, "Bourbon County domiciliary" is defined as:
    - a) A bidder whose principal place of business is located in Bourbon County, or
    - b) A bidder who does business in Bourbon County and who has a sales representative whose residence is in Bourbon County.
- E. In cases where normal service agreements have been established and the board determines it is in the best interest of the college for the service agreement to be continued or renewed, agreements may be regularly extended or renewed, unless investigation provides evidence that agreements with alternate or new vendors would be more efficient or cost effective for the college. The Board reserves the right to reject any or all bids, to accept that bid which appears to be in the best interest of the college, to waive any informalities in any part of any bid, and to reject any or all bids received after the date and time specified. The Board also reserves the right to disqualify any vendors who may be found to be delinquent in their payment of property taxes within the college's taxing district.
- F. Any bid may be withdrawn prior to the scheduled time for the opening of bids. The bidder to whom the award is made may be required to enter into a written contract (including the provisions of the DA-146) with the college and provide a performance or public works bond as required by law or the Board of Trustees.
- G. Information on bids awarded shall be maintained in the college business office and shall be available for review upon request. The final responsibility for all procurement rests

with the President or his/her designee. The Board of Trustees reserves the right to suspend the formal bid procedure in the event of a disaster, emergency, or if the board otherwise determines it is in the best interest of the college.

**AUTHORIZATION TO SIGN CONTRACTS AND AGREEMENTS** Except for the expenditure of twenty thousand dollars (\$20,000) or less for construction, reconstruction or remodeling, or for the purchase of materials, goods, or wares, the Board of Trustees shall approve any and all contracts at a regular meeting or at a special meeting called for such purpose. Once approved by the Board of Trustees, the President is authorized to sign any and all contracts for and on behalf of the Board of Trustees except as otherwise required by law or as otherwise specified by the Board of Trustees. The President may sign renewals of agreements and memorandums of understanding provided that (1) the documents have not fundamentally changed since prior approval by Board of Trustees, and (2) all documents are subsequently shared with the Board of Trustees at the regularly scheduled monthly meetings. All new agreements and memorandums of understanding will have the consent of the Board of Trustees prior to any formal approval on behalf of the college.

**AUTHORIZED SIGNERS** Fort Scott Community College has the following individuals as designated signers for the institution: the President. The Board of Trustees has authorized the President to execute contracts, financial documents, and other official documents necessary for the conduct of the College's business. The Board gives the President the authority to sign any and all documents approved by the board including but not limited to contracts, leases, and any other documents to follow through on board action. The Board of Trustees has three authorized signers for Fort Scott Community College who are designated by elected position: the Board Chair, the Vice-Chair, and the Treasurer. The individuals will change on a periodic basis by the result of the election of officers.

#### **CREDIT CARD ACCEPTANCE AND SECURITY**

All college personnel accepting credit cards for payment of services or goods must protect and secure all credit card data collected, regardless of how it is stored (physically or electronically, including but not limited to account information and correspondence).

All department heads and personnel should strictly observe and enforce this policy to ensure that FSCC customer information and privacy is protected and to assure compliance with the Payment Card Industry Data Security Standard (PCI DSS). The compromise of any cardholder information should be reported immediately to the Director of Business Operations (ext. 5080) or the Vice President of Finance and Operations & Operations (ext. 5130). FSCC's IT Department will be advised if deemed to be a technical compromise.

Data is considered to be secured only if the following criteria are met:

- Only approved processing software programs and hardware with secure communication protocols and/or encrypted connections are used for the processing of electronic transactions.
  - Departments requesting merchant capabilities are required to complete and submit an application to the Director of Business Operations.
- Access for credit card and/or electronic payment data and processing should be limited to essential personnel who completed the TrustKeeper's Security Awareness Education.
- Email is **not used** to transmit credit card payment information.
  - If the use of email is necessary, only the last four digits of the credit card number are displayed through the Elavon Virtual Merchant System.
- Fax transmissions, (both sending and receiving) of credit card and electronic payment information is strongly discouraged. If necessary, transmissions are strictly limited to those fax machines whose access is secured and restricted to authorized individuals only.



- **All transactions must be processed immediately and documents containing cardholder and card information must be shredded.**
  - **The card-validation code of a credit card is never stored in any form.**
  - **All but the last four digits of any credit card account number are masked if credit card data is displayed.**
  - **All credit card and electronic payment data that is no longer deemed necessary or appropriate to store is destroyed or rendered unreadable.**
  - **The processing and storage of personally identifiable credit card or electronic payment information on college computers and servers is prohibited.**
  - **Credit card or electronic payment information is never downloaded onto any portable devices such as USB flash drives, compact disks, laptop computers or personal digital assistants.**
- No credit card receipt, document, or correspondence of any kind, referencing the transaction shall include more than the last four digits of the account number or the month and year of the expiration date.
- No college employee, contractor or agent who obtains access to credit card or other personal payment information may sell, purchase, provide, or exchange said information in any form to any third party other than to the college's acquiring bank, depository bank, Visa, MasterCard or other credit card company, or pursuant to a government request.
- All requests to provide information to any outside party must be reviewed and approved in advance by the Vice President of Finance and Operations & Operations, Director of Business Operations or their designee.

#### **ADMINISTRATIVE AUTHORITY FOR EXPENDITURES IN EMERGENCY SITUATIONS**

In the event of an emergency situation such as a power failure, severe cold weather, or a natural disaster, the President or Vice President of Finance and Operations shall have the authority to purchase capital equipment needed to keep the buildings of the college open or to reopen the buildings of the college. The Board shall be notified expediently of such purchases and shall ratify any such purchases as soon as possible after the purchase is made.

#### **STUDENT ACTIVITY FUND MANAGEMENT** *reviewed 2/24/25*

The Vice President of Finance and Operations shall maintain an accurate record of all student activity funds. No funds shall be expended from these accounts except in support of the student activity program. Receipts shall be issued for all revenue taken into the activity funds of the college. All payments from the activity fund shall be by check, supported by a purchase order and invoices and/or receipts. Fees for special student activities not included in the general student activity fee may be established by the Vice President of Finance and Operations with the prior approval of the Board. All student activity funds will be audited annually at the same time as the general fund budget.

#### **TRAVEL EXPENSES** *revised 4/22/24, 9/23/24*

The Board will provide reimbursement for expenses incurred in travel related to the performance and duties of college personnel when it aligns and supports the college mission. Travel requests need approved in advance by the appropriate Director, Dean, Vice President, or designee. All college travel must be submitted no later than 10 days in advance by follow the Travel Procedure set forth by the Business Office. A Travel Request Form along with accompanying purchase order must be approved and a purchase order number assigned before travel is made.

**Purchases and/or travel expenses made without an approved purchase order (in advance) shall be paid for by the employee.**

It is the responsibility of the employee to comply with the Travel Policy and Procedures. The appropriate supervisor will be responsible for accurately reviewing travel documents, for compliance with policy and

following all procedures. Propriety should be exercised when incurring travel expenses. Expenses incurred while in official business travel status will be reimbursed only if the expenses are properly authorized, reasonable, and documented. Expenses incurred by a traveler that do not comply with procedures are the responsibility of the traveler. Employees are expected to be fiscally responsible at all times during travel.

If the employee expects to miss class or other assigned duties, a suitable replacement must be provided or procedure for making up the class time missed before approval for the trip is given.

#### **TRAVEL CREDIT CARD EXPENSES**

Credit cards will be checked out through the Business Office on a per trip basis and are to be used for transportation, parking, hotels, food and emergency use only. Itemized receipts for meals will need to be provided to the Business Office no later than 5 days after travel occurs. If a receipt is lost, the employee must complete a *Lost Receipt Affidavit*. The affidavit requires the employee to list the itemized expenses and sign (certify) the document.

The following items are not reimbursable:

- Beverages, snack items, and desserts not purchased with or as a meal
- Tips in excess of 20%
- Alcoholic beverages, tobacco products and personal items

#### **TRAVEL TRANSPORTATION**

All employees should follow the College Vehicle Use policy located in the Board Policy. College fleet vehicles should be used for travel unless a fleet vehicle is not available. If a fleet vehicle is not available, the employee may request to use a personal vehicle. An employee may use a school fuel card on a personal vehicle only if a college vehicle is not available and the employee has prior approval through the Travel Request Form.

#### **TRAVEL MEALS**

Meals will only be reimbursed by the college if:

- The employee is traveling away from home on college business, and the period away from home requires an overnight stay.
- The meal expense is incurred during the active conduct of business with someone other than college employees and there is a clear business reason for incurring the expense. Receipts must be itemized and the guests' name(s) written on the receipt along with the purpose of the meeting.

The following items are not reimbursable:

- Beverages, snack items, and desserts not purchased with or as a meal
- Tips in excess of 20%
- Alcoholic beverages

Meals are allowable if traveling between the following parameters:

- Breakfast – if leaving before 6:30 a.m.
- Dinner – if returning after 7 p.m.

Meal rate is calculated and adjusted on a yearly basis. The current meal rate can be found on the Travel Request form or by contacting the Business Office.

If the employee is staying the night at a hotel and the hotel offers a free continental breakfast, a breakfast meal will not be reimbursed.

\*Specific grant funded travel may be allowed a per diem rate for travel expenses. See the Grant Handbook for travel policies that pertain to grant funded travel.

#### **VIOLATION NOTICES**

A supervisor and/or the Business Office may issue a *Violation Notice* for misuse of travel funds such as charging items to the credit card that is not allowed, more than 2 *Lost Receipt Affidavit* forms in a 6-

month time frame, not having prior purchase order approval, etc. Employees receiving more than one violation notice may be placed on a plan of improvement for misuse of the Travel Policy and Procedures. This may result in having travel and purchasing opportunities revoked.

#### **ATHLETIC TRAVEL** *approved 8/26/24*

The Board will provide reimbursement for expenses incurred in travel related to the performance and duties of college personnel when it aligns and supports the college mission. Travel requests need approved in advance by the appropriate Director, Dean, Vice President, or designee. All college travel must be submitted no later than 10 days in advance by follow the Travel Procedure set forth by the Business Office. An Athletic Travel Request Form along with the accompanying purchase order must be approved and a purchase order number assigned before travel is made.

**Purchases and/or travel expenses made without an approved purchase order (in advance) shall be paid for by the employee.**

It is the responsibility of the employee to comply with the Athletic Team Travel Policy and Procedures. The Athletics Director will be responsible for accurately reviewing travel documents, for compliance with policy and following all procedures. Propriety should be exercised when incurring travel expenses. Expenses incurred while in official business travel status will be reimbursed only if the expenses are properly authorized, reasonable, and documented. Expenses incurred by a traveler that do not comply with procedures are the responsibility of the traveler. Coaches and staff are expected to be fiscally responsible at all times during travel.

If the employee expects to miss class or other assigned duties, a suitable replacement must be provided or procedure for making up the class time missed before approval for the trip is given.

All NJCAA and KJCCC rules and by-laws that pertain to athletic team travel will be followed by employees.

#### **ATHLETIC TEAM TRAVEL CREDIT CARD EXPENSES**

Credit cards will be checked out through the Business Office on a per trip basis and are to be used for hotel, food and emergency use only. Itemized receipts for meals will need to be provided to the Business Office no later than 5 days after travel occurs. If a receipt is lost, the employee must complete a *Lost Receipt Affidavit*. The affidavit requires the employee to list the itemized expenses and sign (certify) the document.

The following items are not reimbursable:

- Beverages, snack items, and desserts not purchased with or as a meal
- Tips in excess of 20%
- Alcoholic beverages, tobacco products and personal items

#### **ATHLETIC TEAM TRAVEL TRANSPORTATION**

All employees must follow the College Vehicle Use policy located in the Board Policy. The method of transportation is selected by the head coach and approved by the Athletics Director. The type of transportation requested must be available for use through the Logistics Department. When choosing transportation, the following factors must be considered: safety, impact on academics, number of travel days, expense, availability, distance, and budget. Student-athletes not traveling with the team either to or from a competition, must sign a *Release of Liability Waiver* which must be approved prior to travel by the coach, Athletics Director, or a parent if student-athlete is under 18 years of age.

#### **TRAVEL MEALS**

Meals are allowable if traveling between the following parameters:

- Breakfast - must leave before 6:30 a.m.
- Dinner - must return after 7 p.m.

Meal rate is calculated and adjusted on a yearly basis. The current meal rate can be found on the Athletic Travel Request form or by contacting the Business Office.

If the employee is staying the night at a hotel and the hotel offers a free continental breakfast, a breakfast meal will not be reimbursed.

### **VIOLATION NOTICES**

The Athletic Department and/or Business Office may issue a *Violation Notice* for misuse of team travel funds such as charging something to the credit card that is not allowed, more than 2 *Lost Receipt Affidavit* forms in a 6-month time frame, not having prior purchase order approval, etc. Employees receiving more than one violation notice may be placed on a plan of improvement for misuse of the Athletic Travel Policy and Procedures. This may result in having travel and purchasing opportunities revoked.

### **ATHLETIC TEAM TRAVEL PROCEDURE**

**Step 1:** Complete the “*Athletic Team Travel Request*” form no later than 10 days prior to expected travel.

**Step 2:** Email the completed form to the Athletic Director and the Vice President of Finance and Operations for approval. If transportation is needed, also include the Director of Logistics on the email.

**Step 3:** Once approved by the Vice President of Finance and Operations, the Athletic Department Office Assistant or Business Office will enter the requisition for the purchase order number and handle hotel arrangements and registration if needed. (Coaches have the right to request a specific hotel, but the Athletic Director and/or Business office has the final decision.)

**Step 4:** The requestor will be notified by email from the Athletic Department Office Assistant or Business Office that the travel arrangements have been made. Once notification occurs, the requestor may pick up a credit card (for hotel and meals) from the Business Office. Requestor will pick up keys, and the fuel card from the Logistics Department.

**Step 5:** When the employee returns to campus, the vehicle that was used will be filled with fuel, cleaned to the best of the employees’ ability, fuel receipts turned in and keys returned promptly.

**Step 6:** Within 5 days of travel, credit card receipts will be turned into Business Office.

### **RETURNING CREDIT CARDS**

Credit cards will be checked out on a per trip basis and are to be used for hotel, food and emergency use only. All credit cards, and receipts are to be turned over to the Business Office no later than 5 days after travel occurs.

### **MEALS**

Itemized receipts for meals will need to be provided to the Business Office no later than 5 days after travel occurs. Alcohol and tobacco purchases are prohibited on the school credit card. No more than 20% tip will be allowed on a meal purchase.

Meals Allowable if traveling between the following parameters:

- Breakfast - must leave before 6:30 a.m.
- Dinner - must return after 7 p.m.

If the employee is staying the night at a hotel and the hotel offers a free continental breakfast, a breakfast meal will not be reimbursed.

### **REQUISITIONS**

Requisition must be entered by the Athletic Department Office Assistant or Business Office.

#### **ATHLETIC RECRUITING TRAVEL** *approved 8/26/24*

Each sport is given a recruiting budget line in the total budget for the respected sport at the beginning of the fiscal year (July 1). This number is determined based on the roster size of the athletic sport listed by NJCAA bylaws, and is budgeted across the department on a per-student-athlete amount. Each sport will be budgeted equally based on the number of student-athletes that is allowed on the roster. This is to be used for all recruiting needs. Once the budget is depleted, additional recruiting costs will come out of the respected sport endowment.

The Board will provide reimbursement for expenses incurred in travel related to the performance and duties of college personnel when it aligns and supports the college mission. Travel requests need approved in advance by the appropriate Director, Dean, Vice President, or designee. All college travel must be submitted no later than 10 days in advance by follow the Travel Procedure set forth by the Business Office. A purchase order must be approved and a purchase order number assigned before travel is made.

**Purchases and/or travel expenses made without an approved purchase order (in advance) shall be paid for by the employee.**

It is the responsibility of the employee to comply with the Athletic Recruiting Travel Policy and Procedures. The Athletics Director will be responsible for accurately reviewing travel documents, for compliance with policy and following all procedures. Propriety should be exercised when incurring travel expenses. Expenses incurred while in official business travel status will be reimbursed only if the expenses are properly authorized, reasonable, and documented. Expenses incurred by a traveler that do not comply with procedures are the responsibility of the traveler. Coaches and staff are expected to be fiscally responsible at all times during travel.

If the employee expects to miss class or other assigned duties, a suitable replacement must be provided or procedure for making up the class time missed before approval for the trip is given.

All NJCAA and KJCCC rules and by-laws that pertain to athletic recruiting will be followed during the recruitment process of student athletes.

#### **ATHLETIC RECRUITING CREDIT CARD EXPENSES**

Credit cards will be checked out through the Business Office on a per trip basis and are to be used for hotel, food and emergency use only. Itemized receipts for meals will need to be provided to the Business Office no later than 5 days after travel occurs. If a receipt is lost, the employee must complete a Lost Receipt Affidavit. The affidavit requires the employee to list the itemized expenses and sign (certify) the document.

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The following items are not reimbursable:

- Beverages, snack items, and desserts not purchased with or as a meal
- Tips in excess of 20%
- Alcoholic beverages, tobacco products and personal items

#### **ATHLETIC RECRUITING TRAVEL TRANSPORTATION**

All employees must follow the College Vehicle Use policy located in the Board Policy. College fleet vehicles should be used for travel unless a fleet vehicle is not available. If a fleet vehicle is not available, the employee may request to use a personal vehicle. An employee may use a school fuel card on a personal vehicle only if a college vehicle is not available and the employee has prior approval through the Travel Request Form. The method of transportation is selected by the head coach and approved by the Athletics Director.

#### **ATHLETIC RECRUITING TRAVEL MEALS**

Meals are allowable if traveling between the following parameters:

- Breakfast - must leave before 6:30 a.m.
- Dinner - must return after 7 p.m.

Meal rate is calculated and adjusted on a yearly basis. The current meal rate can be found on the Athletic Recruiting Travel Request form or by contacting the Business Office.

If the employee is staying the night at a hotel and the hotel offers a free continental breakfast, a breakfast meal will not be reimbursed.

### **VIOLATION NOTICES**

The Athletic Department and/or Business Office may issue a *Violation Notice* for misuse of recruiting travel funds such as charging something to the credit card that is not allowed, more than 2 *Lost Receipt Affidavit* forms in a 6-month time frame, not having prior purchase order approval, etc. Employees receiving more than one violation notice may be placed on a plan of improvement for misuse of the Athletic Travel Policy and Procedures. This may result in having travel and purchasing opportunities revoked.

### **Athletic Recruiting Travel Procedure**

**Step 1:** Complete the “*Athletic Recruiting Travel Request*” form no later than 48 hours prior to expected travel.

**Step 2:** Email the completed form to the Athletic Director and the Vice President of Finance and Operations for approval. If transportation is needed, also include the Director of Logistics on the email.

**Step 3:** Once approved by the Vice President of Finance and Operations, the Athletic Department Office Assistant or Business Office will enter the requisition for the purchase order number and handle hotel arrangements and registration if needed. (Coaches have the right to request a specific hotel, but the Athletic Director and/or Business office has the final decision.)

**Step 4:** The requestor will be notified by email from the Athletic Department Office Assistant or Business Office that the travel arrangements have been made. Once notification occurs, the requestor may pick up a credit card (for hotel and meals) from the Business Office. Requestor will pick up keys, and the fuel card from the Logistics Department.

**Step 5:** When the employee returns to campus, the vehicle that was used will be filled with fuel, cleaned to the best of the employees’ ability, fuel receipts turned in and keys returned promptly.

**Step 6:** Within 5 days of travel, credit card receipts will be turned into Business Office.

### **RETURNING CREDIT CARDS**

Credit Cards will be checked out on a per trip basis and are to be used for hotel, food and emergency use only. All credit cards, and receipts are to be turned over to the Business Office no later than 5 days after travel occurs.

### **MEALS**

Itemized receipts for meals will need to be provided to the Business Office no later than 5 days after travel occurs. Alcohol and tobacco purchases are prohibited on the school credit card. No more than 20% tip will be allowed on a meal purchase.

Meals Allowable if traveling between the following parameters:

- Breakfast - must leave before 6:30 a.m.
- Dinner - must return after 7 p.m.

If the employee is staying the night at a hotel and the hotel offers a free continental breakfast, a breakfast meal will not be reimbursed.

## **REQUISITIONS**

Requisition must be entered by the Athletic Department Office Assistant or Business Office.

## **E. BUSINESS MANAGEMENT**

### **GOALS AND OBJECTIVES**

The goal of the Board is to manage the business affairs of the college in the most economical and efficient manner possible. The President bears the final responsibility of the success or failure of all business affairs. Sufficient personnel will be employed to administer the tasks associated with the college's business affairs.

### **BUILDINGS AND GROUNDS MANAGEMENT** *reviewed 2/24/25*

The Vice President of Finance and Operations, in cooperation with the director of maintenance, will develop a comprehensive program that will ensure proper management of all college-owned real property. All buildings and property will be maintained and inspected on a regular basis by the Vice President of Finance and Operations, director of maintenance, or designated representative.

### **PROPERTY INSURANCE PROGRAM**

The college will designate at least one insurance agent residing in the service area to act as the college's insurance agent of record, with the responsibility to develop adequate insurance programs at the best possible rate, covering all property owned by the college. All college-owned real property and some personal property will be insured to cover losses from natural causes, fire, vandalism, and other such casualties. Such insurance shall cover theft of college monies. All college-owned vehicles will be insured for at least \$500,000 liability insurance.

### **EMPLOYEE LIABILITY INSURANCE**

To the extent permitted by law, the Board may insure all employees against any legal action arising out of the performance of any authorized duties. However, if any such policy is purchased for either the Board or any other employee, the Kansas Tort Claims Act requires that such insurance cover all employees.

### **SAFETY AND FIRE HAZARD RESPONSIBILITIES** *reviewed 2/17/25*

The Board and its administrative staff will make every effort to provide a safe environment for student recreation and study and for all employees to fulfill their employment duties and responsibilities. The Board will cooperate with local government officials, emergency preparedness authorities, and other related state agencies to ensure that adequate warning systems are available for use at the college in the event of fire or other natural disasters. Employees shall be constantly on alert for potential safety and fire hazards. All buildings, furnaces, boilers, bleachers and lighting fixtures will be periodically inspected by the Vice President of Finance and Operations and maintenance personnel to ensure maximum safety for students, employees, and patrons and to meet minimum state and federal standards. If, upon proper investigation, defects are found to exist, the individual conducting the investigation will immediately inform the Vice President of Finance and Operations, director of maintenance, or immediate supervisor in writing. The defect will be removed or repaired as soon as possible. Defects which require expenditure of money will be reported to the Board in compliance with rules regulating such circumstances. Any defects not immediately removed, repaired or otherwise eliminated will be blocked off with fences or other restraining devices.

### **SECURITY** *reviewed 4/21/25*

The college will attempt to ensure that students, employees, and others, as well as all property owned by the college, are protected from possible damage, injury or disturbances occurring on college grounds or buildings. A disaster plan for the safety and security of students and all personnel will be put in place and published. Adequate outside lighting, security devices, and measures will be installed and maintained. The college will cooperate with law enforcement agencies to curb vandalism. All college personnel will report any vandalism to their immediate supervisor. College personnel are expected to lock or otherwise secure any files, records, safes, buildings, or offices daily upon leaving the building.

## **RESTITUTION FOR DAMAGES**

The college shall seek restitution according to law for loss and damage sustained by the college because of malicious mischief, vandalism, burglary and other wrongful acts. The cost involved in repairing the damage and/or replacing equipment will be determined after consultation with the appropriate personnel. A routine procedure will be followed for any necessary follow-up to secure restitution from the responsible party. Restitution payments will be made to the Business Office. If necessary, payment may be made in several installments. Accounts not paid in full within a specified time may be processed for legal action. College property must be returned when a student withdraws from the college. If not returned, the college may refuse to forward student records according to law.

## **MAINTENANCE PROGRAM** *reviewed 2/24/25*

The Vice President of Finance and Operations, in cooperation with the director of maintenance, will develop an annual priority list outlining long-range maintenance of college property. Adequate equipment and consumable supplies will be kept in central storage. The Vice President of Finance and Operations and Director of Maintenance will plan for repairs of items at the earliest possible time. College equipment will be checked for malfunctions upon purchase and on a periodic basis. The director of maintenance will develop cleaning schedules in order that all college buildings and grounds are free from litter and refuse.

## **COPYRIGHT LAWS**

The copyright laws of the United States make it illegal for anyone to duplicate copyrighted materials without the express permission of the copyright holder. Unauthorized copying shall be considered a violation of college policy. Severe penalties are provided for unauthorized copying of all materials covered by the act unless the standards of the "fair use" provision within the act are met. The legal or insurance protection of the college shall not be extended to employees who violate any provisions of the copyright laws.

## **SOFTWARE COPYRIGHT LAWS**

College employees are required to comply with all copyright laws and college policies and procedures governing the use of software products. When software is used on a disk-sharing system, efforts shall be made to secure this software from copying. Illegal copies of copyrighted software shall not be made or used on college equipment. Unauthorized copying, use or disposal of software shall be considered as a violation of college policy. Procedures to manage the use of the college's software resources shall be maintained by the Information Technology Department. No software will be installed on college computers unless authorized by the Information Technology Department.

## **GRAMM-LEACH-BLILEY ACT (GLBA) INFORMATION SECURITY POLICY** *approved 6/16/25*

Fort Scott Community College ("FSCC" or "the Institution") is committed to the highest standards of information security. This Information Security Policy ("Policy") is designed to clearly communicate how employees and stakeholders should identify, classify, and handle sensitive information.

This Policy applies to all employees and governing stakeholders of FSCC, including:

- Board of Trustees
- Contractors
- Temporary employees
- Volunteers
- Third-party vendors
- FSCC Foundation employees

This policy is not intended to restrict communications or actions protected by applicable law.

All individuals covered by this Policy are expected to:

- Read, understand, and follow the Policy.
- Seek guidance from their manager, the Information Security Officer, Director of Information Technology, or Vice President of Finance and Operations before taking any action that may create risk or deviate from the Policy.



- Keep this Policy confidential unless authorized by the Information Security Coordinator.

### **Definitions**

**Publicly Available:** Information that FSCC has lawfully and intentionally made accessible to the public—such as content published on the FSCC website, in press releases, or in public reports.

**Confidential Information:** Non-public information that, if disclosed, could negatively impact FSCC or individuals. This includes personnel files, internal financial records, student education records protected under FERPA, and any information received under a Non-Disclosure Agreement (NDA). Such information must be handled according to applicable confidentiality agreements and institutional policies.

**Restricted Information:** Highly sensitive data that requires the strictest safeguards. Examples include Social Security numbers, credit card or bank account information, and health records. Unauthorized access or disclosure could result in significant harm.

### **Scope**

This Policy applies to all information, regardless of form (paper, digital, verbal), held, used, or transmitted by or on behalf of FSCC.

Examples include:

- Personal data of staff, faculty, and students
- Institutional business records
- Publicly available, confidential, or restricted information

### **Responsibilities**

The Institution will:

- Classify information according to risk
- Grant access based on legitimate business need
- Require authorization for disclosure or destruction of sensitive data
- Protect confidentiality, integrity, and availability of information

### **Maintenance and Review**

The Information Security Officer, and Director of Information Technology are responsible for maintaining this Policy. It must be reviewed at least annually and approved by the FSCC executive team and Board of Trustees.

### ***Information Classification Levels***

(a) **Restricted Information:** Examples: Social Security numbers, bank accounts, driver's licenses, credit cards, protected health data (HIPAA). Sharing restricted information externally requires a written agreement including:

- Confidentiality obligations
- Restrictions on further sharing
- Pre-disclosure notice in case of subpoenas
- Compliance with this Policy

(b) **Confidential Information:** Examples: Personnel records, donor lists, (FERPA) records, investigation files. Disclosure or sharing of confidential information requires:

- Safeguarding obligations
- Limitations on sharing
- Notification prior to court-ordered disclosures
- Compliance with this Policy

(c) **Publicly Available Information:** Information is classified as publicly available only if intended for both internal and external use and does not violate restrictions under "Confidential" or "Restricted" classifications.

### **Acceptable Use Policy**

FSCC provides systems and network access to support its operations. Incidental personal use is allowed, but not for profit, illegal activity, or anything impairing job duties.

FSCC Employees and Board of Trustees shall not:

- Engage in hacking, spoofing, or illegal access
- Distribute malware or spyware
- Downloading copyrighted material without an approved exemption
- Download inappropriate content
- Use encryption to hide illegal activity
- Install unlicensed software

#### **General Internet Use**

- Limit web and streaming use to business purposes only
- Do not use peer-to-peer file sharing unless that usage for legitimate business use

#### **Email & Social Media**

- Do not share confidential or restricted data via unsecured channels
- Use professional judgment in communication
- Be wary of phishing and spoofed messages
- Report suspicious messages to the Information Technology Department

#### **Communications and Data Transfers**

- Mark sensitive content as “strictly private and confidential”
- Use password protection and encryption whenever possible
- Avoid discussing sensitive topics in public places
- Verify recipient addresses, especially when using auto-complete features

#### **Office Access**

- Secure physical keys and access codes
- Do not share them with unauthorized individuals

Reporting Data and Security Breaches Staff must report any suspected breach or risk, including:

- Lost devices, credentials, or physical tokens
- Malware infections or suspicious activity
- Unauthorized access or attempted social engineering
- Exposure of confidential or restricted information

Report all incident/breach notifications to the Information Security Officer. Do not act independently.

#### **PCI DSS Compliance Requirements**

FSCC processes payment card data and must comply with Payment Card Industry Data Security Standard (PCI DSS). Therefore, the following practices apply:

- Cardholder data must never be stored unless absolutely required and must be encrypted both at rest and in transit.
- Firewalls and intrusion detection/prevention systems must be used to segment payment systems.
- Default passwords or vendor-supplied settings on payment systems must be changed.
- Access to cardholder data must be restricted by business need-to-know and controlled via unique IDs.
- Access logs must be reviewed regularly; system and audit logs must be retained for PCI DSS compliance.
- Antivirus software must be installed and kept up to date on all systems handling cardholder data.
- Penetration testing and vulnerability assessments must be conducted at least annually.

#### **GLBA Compliance Requirements**

As an institution handling financial aid, FSCC must comply with Gramm-Leach-Bliley Act (GLBA) by:

- Implementing a comprehensive written information security program
- Conducting annual risk assessments to identify threats to sensitive information
- Requiring security measures from all vendors handling covered data

- Providing ongoing training for employees on protecting sensitive information
- Regularly monitoring and testing the effectiveness of controls and procedures

### **Institutional Information**

Institutional Name: Fort Scott Community College  
 Institutional Address: 2108 S. Horton, Fort Scott, KS 66701  
 Information Security Officer: Jason Simon  
 Email: jasons@fortscott.edu  
 Phone: 620-644-6001

### **COLLEGE VEHICLE USE** *revised 4/22/23*

Off campus use of FSCC vehicles shall be regulated by current law and insurance regulations and limited to FSCC sponsored/co-sponsored activities, FSCC community service projects, organizations or educational facilities within FSCC service area. Scheduling of cars, buses, and equipment to be used off campus is done by the Director of Logistics. Individual Directors, Vice Presidents, or designees will approve all trips. All college-owned vehicles will be inspected regularly by the Director of Logistics. Any student or other person riding in college vehicles who violates the rules of the college will be reported to the proper administrative official. The latest driver of a vehicle is to report any defect found in a college vehicle to the Director of Logistics to be repaired as soon as possible.

All drivers shall register valid driver licenses upon hire and renewal with the Director of Logistics. Employees whose job responsibilities set forth the expectation of driving College vehicles must provide a copy of a current driver's license to the Director of Logistics. The driver's license and insurance review may disqualify the person from operating a vehicle for College business and may jeopardize his/her employment if it is dependent on vehicle operation. Drivers shall provide an updated motor vehicle record (MVR) to the Director of Logistics for further insurance review after at-fault accidents and moving violations. If a driver's license is suspended or revoked at any time, the driver shall report such suspension or revocation to the Director of Logistics and shall not drive a school vehicle until restored to good standing. Recorded violations that exceed the following will be justification for denying authorization to a requesting driver. Where it is indicated that proof is necessary to lessen the restriction, acquiring and presenting that proof is the responsibility of the requesting driver.

Restrictions are based on the previous 12 month driving period and are in effect until the restriction period has expired.

Speed in excess of the maximum posted

- Two citations-one or both less than 10 mph above the maximum posted - six months
- Two citations more than 10 mph above the posted or three or more citations at any speed - one year.

Accidents

- Proof of citation showing no one at fault – no restriction (provide copy of police report or proof of payment by the other insurance carrier to show a nonchargeable accident)
- One accident where found at fault - six months
- Two accidents either at fault or not at fault - one year

Any authorized driver charged and ultimately convicted for driving while intoxicated (DWI) or driving under the influence (DUI) while operating a vehicle is subject to immediate loss of driving privileges, and, if alternate duties cannot be assigned, will be subject to termination.

### **CONTRACTS AND LEASES** *reviewed 4/21/25*

No individual has authority to enter into contracts and/or leases, or in any other way obligate Fort Scott Community College for procurement indebtedness, unless specifically authorized to do so by the Board of

Trustees. The intent of this policy is to cover contracts not covered by the Board policies on purchasing, personnel, or other areas where formal policy exists.

#### **UNAUTHORIZED TRANSACTIONS** *reviewed 4/21/25*

The power to enter into contracts on behalf of the college is vested in the Board. No contract or agreement shall be made which names the college as a party, unless authority is otherwise delegated by the Board or the President. As such, no individual has the authority to enter into purchase contracts unless specifically authorized by the Board of Trustees or the President. Any such purchases are considered unauthorized and become a personal obligation to the vendor by the individual making the purchase.

#### **GUIDELINES FOR USE OF FSCC FACILITIES** *revised 4/22/24*

1. Reservations should be made at least two weeks in advance for necessary approval and can be made electronically by submitting an area request form through the FSCC website.
2. Reservations are not considered “agreed to” until an email confirmation has been received by the requestor and a payment has been made.
3. Persons making reservations will be held responsible for any damage to facilities or equipment. No decorations are allowed on the walls without permission. Moving of furniture in any building is prohibited unless prior arrangements have been made and approved.
4. Groups/organizations may use the College for educational, cultural, charitable, and non-profit purposes, as scheduling permits.
5. FSCC, USD234, and other Bourbon County schools’ reservations take precedence over all others. Groups/organizations will be responsible for observing the (2) weeks advance notice of event to be scheduled and are expected to submit the online area request form through the FSCC website. Fees may be assessed for use of facilities by FSCC groups/organizations. All reservations are subject to availability.
6. FSCC is to be notified immediately of any change in a scheduled event.
7. The college’s foodservice contractor has exclusive rights for any onsite food preparation by all groups and organizations holding an event on FSCC’s campus. Outside food is not allowed unless approved in advance by the Business Office and the college’s foodservice contractor. The reserving party is responsible for contacting the college’s foodservice contractor at 620.223.2700 ext. 5071 or [foodservice@fortscott.edu](mailto:foodservice@fortscott.edu).
8. Children brought to the campus must remain supervised.
9. Payment must be made to FSCC prior to event.
10. The use of tobacco products are prohibited in FSCC Buildings.
11. Alcohol and firearms are not allowed on the FSCC campus, facilities, or property.
12. FSCC reserves the right to cancel any and all activities previously scheduled.

#### **GENERAL AREAS**

##### **Fees to Outside Organizations:**

Fees for non-FSCC organizations activities/events scheduled during normal business hours:

- Non-Profit: No charge
- For-Profit or events charging admission: \$35 fee

Fees for non-FSCC organizations activities/events scheduled outside normal operating hours:

Non-Profit:\$40 fee per hour. 3 hour minimum

For-Profit: \$50 fee per hour. 3 hour minimum

- Robert and Sylvia Bailey Hall
- Robert and Sylvia Bailey Hall classrooms
- Parking Lots/Grounds Usage
- Student Union

## **AGRICULTURE FACILITIES**

### **Fees to Outside Organizations:**

Fees for non-FSCC organizations activities/events scheduled during normal business hours:

- Non-Profit: No charge
- For-Profit or events charging admission: \$75 fee per hour. 3 hour minimum
- Fees for non-FSCC organizations activities/events scheduled outside normal operating hours:
  - Non-Profit: \$40 fee per hour. 3 hour minimum
  - For-Profit: \$115 fee per hour. 3 hour minimum

\*Guidelines and policies regarding usage and fees will be discussed and given to you when your reservation is confirmed.

- Cleaver/Boileau/Burriss Agriculture Hall
- \*Livestock Pens
- Yeager Stables (when not occupied by students)
- \*Arnold Arena – Rodeo Arena

## **ATHLETIC AREAS**

Including but not limited to the following:

- Arnold Arena – Gym
- Lyons Club Field
- Ty Cullor Softball Field
- Betty Ruth Willard Softball Fields
- Practice Football Field (80 yards)
- All other areas designated by the college for competition and/or practice.
  - **\*fees for facility/area rentals may be adjusted/waived at the discretion of the FSCC President.**

## **DANNY & WILLA ELLIS FAMILY FINE ARTS CENTER AREAS**

### **Theatre:**

- **\$50** per hour for use of the stage-no special setup
- **\$75** per hour for use of the stage, backstage, and dressing rooms-no special setup
- **\$100** per hour for use of the stage, backstage, and dressing rooms WITH special setup
- **\$15** per hour for custodial services
- **\$25** starting fee for tech support (required). ONLY THE FSCC THEATRE DIRECTOR AND/OR FSCC I.T. IS ALLOWED TO RUN THE SOUND BOOTH.

\*The FSCC Theatre Director will discuss the event with the user's designated contact person in order to determine the technical requirements for the event. Users are asked to designate only ONE person to coordinate the event in order to streamline the process.

### **Individual Meeting Rooms:**

- **\$50** per hour

- \$15 per hour custodial fee

**All Meeting Rooms:**

- \$150 per hour
- \$15 per hour custodial fee
- \$25 starting fee for tech setup (if needed)- additional \$25 per hour if tech support is required to be there

**Weddings:**

**\$1,000** flat fee which includes 5 hours of the use of the Lobby and Meeting Rooms.

- Every hour past five hours is an additional \$100 per hour

**\$500** deposit is due once the reservation request is approved

**\$500** refundable security deposit is required to ensure the cost of repair of any damages done to the building during the event.

FSCC's food service contractor will be used for any on-site catering. The user is responsible for contacting FSCC food service contractor to make arrangements. No outside food is allowed unless approved by FSCC's food service contractor.

- FSCC food service contractor 620.223.2700 ext. 5071 or email  
FoodService@fortscott.edu
- They DO NOT do wedding cakes

Tables and chairs will be provided contingent on number and type needed and availability

Trash bags/receptacles will be provided for cleanup

- If basic cleanup (i.e. all trash is in a trash bag and ready to be dumped) is not taken care of after the reception, the FSCC will charge \$50 an hour for cleanup.

**FACILITY NAMING OPPORTUNITIES** *approved 11/27/17, reviewed 3/24/25*

These Procedures are set forth for the purpose of providing guidance to the administration, staff, and donors of Fort Scott Community College in arranging for gift naming opportunities of physical structures, or facilities.

**A. Named Gift Approval Policy:**

1. Minimum Gifts: The minimum gift requirement for an opportunity to name a physical structure, or facility at Fort Scott Community College shall be \$500,000 cash or assets valued at \$500,000 that can be converted to cash immediately upon receipt. A physical structure, or facility will not be named in honor of a donor in return for an estate commitment.
2. Criteria for Acceptance: The College will judge the acceptability of potential naming gifts based upon one or more of the following criteria: the naming gift's usefulness and inspirational value to the student body; its physical or aesthetic enhancement of the campus; its contributions to the heritage and reputation of the College, and its compliance with the stated Capital Campaign purpose.
3. Permanence of Naming: The naming of physical space (buildings, grounds and facilities, or portions thereof) is intended to be in place for the life of the specific physical space. If, in the determination of the Board of Trustees, circumstances change so that the purpose for which the physical space was established is significantly altered or if the physical space is no longer needed or habitable, the Board of Trustees, in consultation with administrative and/or academic leadership and the donor(s), if possible, will determine an appropriate way to recognize the donor's naming

gift in perpetuity. If the College and the donor previously established a Gift/Pledge Agreement or other contract that provides a practicable course of action, then that action shall be followed.

4. **Removal of a Name:** College naming opportunities shall bear only the name of individuals or entities that exemplify the attributes of integrity, character, and leadership consistent with the high values of Fort Scott Community College Board of Trustees. If those attributes are not maintained by the donor /honoree(s), the Board of Trustees reserves the right to remove the donor/honoree's name from a physical structure, or facility at any time.
5. **Tax Deductibility:** Gifts that are accorded naming opportunities and that further College's mission are deductible in accordance with the Internal Revenue Code and IRS guidelines.
6. **Costs of Implementation:** Costs associated with creating donor recognition systems or plaques may be paid from either a portion of the naming donor's gift or with internal budgeted resources.
7. **Flow of funds:** The Fort Scott Community College Endowment Association will receive the funds for each gift. Funds will be transferred by the Endowment Association to a College.
8. **account stipulated by the Vice President of Finance and Operations.** The payments from said account will be restricted to use for the stated purpose for which they are given.
9. **Gift Agreements:** Each capital or endowment gift that occasions a naming opportunity must be accompanied by a written gift/pledge agreement that has been approved and signed by the donor or the donor's designated representative. Each gift agreement will specify the purpose of the gift. If the naming gift entails a multi-year pledge payment, the schedule for such payments must also be detailed. Naming of a building or an area requires a completed Gift/Pledge Agreement and full receipt of cash or assets that can be converted to cash immediately. In the event a donor's pledge is not fulfilled, the naming opportunity will be forfeited. Pledges for naming opportunities must be completed within five years from the initial pledge date. For naming opportunity pledges that do not reach the minimum funding level within the stated five-year period, the donor or their representative will be consulted to determine the most appropriate course of action, which may include a pledge extension or the transfer of the donated funds to an account stipulated by the Vice-President of Finance and Operations.

#### **B. Named Gift Approval Process**

1. The Director of Development shall make a naming recommendation for a physical structure, or facility to the President upon execution of the gift agreement with the Donor.
2. The President will make recommendations to the Board of Trustees with regard to any offer to name a physical structure, or facility at Fort Scott Community College.
3. The Fort Scott Community College Board of Trustees will have final decision to approve or deny the president's recommendation for naming a physical structure or facility at Fort Scott Community College. If approved, the name change of the physical structure, or facility shall not take effect until the funds promised in the gift agreement have been received in full.

#### **GORDON PARKS LOAN AGREEMENT** *approved 5/18/20*

**The maximum length of time of the loan agreement is four weeks. Any other time frame must be approved by the Gordon Parks Museum Board.**

We appreciate your assurance that the photos will be handled professionally; they will be secure at all times; and will have insurance coverage under the auspices of the site. There will be no cost to display the photos. All works loaned will be transported, installed, and removed by the Gordon Parks Museum

personnel. There will be no change in the object(s) location without first notifying the Gordon Parks Museum that the piece(s) needs to be relocated and allowing for reasonable time for this accommodation to be made.

**Ownership:** The Exhibition is owned by the Gordon Parks Museum Foundation and is permitting its use temporarily by Borrower subject to the terms of this Contract.

**Responsibility:** Borrower will be responsible for all damage or loss, of any nature whatsoever, to the Exhibition.

**Insurance:**

Objects shall be insured at the borrower's expense for the full value stated on the face of this agreement under an all risk wall-to-wall policy subject to the following standard exclusions: wear and tear, insects, vermin, gradual deterioration or inherent vice; repairing, restoration or retouching processes; hostile or warlike action, insurrection, or rebellion; nuclear radiation or radioactive contamination. The Museum shall determine whether the borrower insures the objects or whether the Museum insures them and bills the borrower for the premium. If the borrower is insuring the objects, the Museum must be furnished with a certificate of insurance or a copy of the policy made out in favor of the Museum prior to shipment of the loan. The Museum must be notified in writing at least 30 days prior to any cancellation or meaningful change in the borrower's policy. Any lapses in coverage, any failure to secure insurance and/or inaction by the Museum will not release the borrower from liability for loss or damage.

**Duplication:**

No duplication of the Exhibition, or any portion or component thereof, is permitted.

**Care and Preservation:**

Objects borrowed shall be given proper care to insure against loss, damage or deterioration. The borrower agrees to meet any special requirements for installation and handling. The Gordon Parks Museum (the "Museum") certifies that the objects lent are in condition to withstand ordinary strains of packing, transportation and handling. The Museum is to be notified immediately, followed by a full written and photographic report, if damage or loss is discovered. If damage occurred in transit, the borrower will also notify the carrier and will save all packing materials for inspection. No object may be altered, cleaned, repaired or fumigated without the written permission of the Museum, nor may framing, matting, mounting or glazing be changed without written permission; nor may objects be examined by scientific methods without written permission.

**Security:**

Loaned exhibits must be stored and displayed in facilities/building protected by fire and smoke alarms, and must be guarded from damage and theft by responsible means established in the exhibit contract.

**Environmental Controls:** Temperature in the area where the Exhibition is displayed or stored must be maintained at 70 degrees +/- 5 deg. Exhibition will not be exposed to direct or reflected sunlight, excessive humidity or dry conditions, excessive temperatures, or strong artificial light and from insects, vermin, dirt or other environmental hazards. Objects will be handled only by museum personnel. The Museum reserves the right to dictate all other environmental conditions under which the work will be exhibited.

**Inspection:**

Daily checks of the Exhibition must be made by a member of Borrower's professional staff.

**Reproduction and Credit:**

The Museum will make available, through an outside service, or in house, photographs of objects lent, which may be used for catalog, routine non-commercial educational uses, publicly and registrar purposes. No further use of such photographs can be made and no other reproduction of objects lent can be made without the written permission from the Museum. Each object will be labelled and credited to the Museum in the exact format provided on the face of this contract, both for display labels and publication credits.



**Credit:**

The Gordon Parks Museum must receive clear and prominent credit in the display and publicity of loaned exhibits, and copies of all press clippings related to the exhibit must be sent to the museum manager. The following language should be used. ***Courtesy of the Gordon Parks Museum, Fort Scott, Kansas.*** Marketing display of the brochures of the Gordon Parks Museum will be on display near the exhibit.

**Loan Collection Catalog:**

The museum will provide a select list of the collection items that will be considered eligible for loan out.

**Change of Venue:**

Prior written approval from Gordon Parks Museum Foundation must be secured by Borrower if the Exhibition is to be shown at a location other than that named in this Contract.

**Cancellation/Return/ Extension:**

The loan is made with the understanding that the object will be on view during the entire exhibition period for which it has been requested. Any intention by the borrower to withdraw the loan from the Exhibition at any time must be communicated to the Museum immediately. The Museum reserves the right to recall the loan or cancel the loan for good cause at any time, and will make effort to give reasonable notice thereof. Objects lent must be returned to the Museum by the stated return date.

The Gordon Parks Museum Foundation reserves the right to cancel a booking at any time if Borrower breaches the terms of this Contract. Gordon Parks Museum Foundation reserves the right to cancel the Exhibition tour or any part of the Exhibition tour if it is determined by Gordon Parks Museum Foundation, in its sole discretion that Gordon Parks Museum Foundation no longer desires to travel the Exhibition. Gordon Parks Museum Foundation shall not be held responsible for any costs incurred by Borrower in preparation for the Exhibition or lost income in the event the Exhibition tour is cancelled (in whole or in part). Any extension of the loan period must be approved in writing by the Museum Director or his designate and covered by written parallel extension of the insurance coverage.

**Addition/Removal/Modification of Exhibition:**

Gordon Parks Museum Foundation reserves the right, in its sole discretion, to add, remove, or modify the Artifacts (or any components thereof) from the Exhibition. Gordon Parks Museum Foundation will make a reasonable effort to limit the removal or modification of the Artifacts (or any components thereof) from the Exhibition. Borrower shall, upon receipt of such notification and at the request of Gordon Parks Museum Foundation, assist in the addition/removal/modification of any Artifacts (or any components thereof) identified in such notice.

**Interpretation:**

In the event of any conflict between this agreement and any forms of the borrower, the terms of this agreement shall be controlling. For loans to borrowers with in the United States, this agreement shall be construed in accordance with the laws of the State of Kansas. The District Court of Bourbon County, Kansas shall have exclusive jurisdiction and venue over any disputes over the exhibits or the terms of this agreement.

## **F. PERSONNEL POLICIES**

**LAWS, STATUTES, AND REGULATIONS** *reviewed 4/21/25*

The Kansas Legislature creates statutes that provide guidelines for public employment and administrative activity. In the case of Kansas's public community colleges, some of the governing rules and regulations come from the State Board of Education, the Kansas Board of Regents, the Kansas Public Employees Retirement System, and other state agencies. Regulations governing recruitment and hiring, salary and benefit administration, and many other activities come from the locally elected Board of Trustees and must be in compliance with state statutes and federal laws.

**NON-DISCRIMINATION POLICIES** *revised 8/1/23*

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, including: General Education, Agriculture, Health Care, Construction Technologies, Welding, Cosmetology, EMT, Harley Davison, John Deere, Masonry, and HVAC. FSCC is an open enrollment institution. Inquiries concerning Fort Scott Community College's compliance under these laws, should be directed to contact the College's Title IX Coordinator, Vanessa Poyner, 2108 S. Horton, Fort Scott, Kansas 66701 (620) 223-2700 or [vanessap@fortscott.edu](mailto:vanessap@fortscott.edu). For Section 504 inquiries, please contact Disabilities Coordinator, Ashley Keyton, 2108 S. Horton, Fort Scott, Kansas 66701 (620) 223-2700 or [ashleyk@fortscott.edu](mailto:ashleyk@fortscott.edu).

**CIVILITY POLICY** *approved 2/24/25***Introduction**

Civility is a fundamental expectation at Fort Scott Community College (FSCC). It is defined as behavior that demonstrates consistent respect for others, including an effort to understand differences. A culture of civility fosters an environment where all individuals feel valued, safe, and supported in their academic and professional pursuits.

FSCC is committed to upholding every person's inherent worth and dignity, promoting mutual respect among students, faculty, staff, and visitors. All members of the FSCC community are expected to conduct themselves in a manner that reflects respect, professionalism, and a commitment to constructive engagement at all times.

**Freedom of Expression and Learning Environment**

FSCC supports freedom of expression for all faculty, staff, and students. However, this freedom carries responsibilities—particularly the responsibility to maintain a learning and working environment conducive to productive discourse, academic integrity, and personal growth.

While diverse perspectives and open dialogue are encouraged, disruptive behaviors that interfere with learning, professional responsibilities, or campus harmony will not be tolerated. Any individual engaging in such behaviors may be subject to disciplinary action, including suspension from school or termination of employment.

FSCC expects all students, faculty, and staff to be mindful of their words, actions, and interactions, whether in person, in writing, or online.

**Addressing Civility Concerns**

FSCC encourages college community members to address civility concerns directly with one another whenever possible, fostering open dialogue and conflict resolution. However, when direct resolution is not feasible or comfortable, concerns should be reported as follows:

- Report faculty and staff concerns to the Director of Human Resources or the appropriate Vice President.
- Report student concerns to the Dean of Student Affairs.

**Consequences for Uncivil Behavior**

FSCC is committed to maintaining a respectful and professional environment. As such:

- Threats of physical violence or highly disruptive behaviors (such as loud arguments that interfere with the learning environment) will result in immediate intervention by campus authorities and/or local law enforcement.

- Students, faculty, or staff engaging in other violations of the civility policy will face disciplinary action in accordance with the following:
  - The Student Code of Conduct (outlined in the FSCC Student Handbook)
  - The Employee Handbook and Board Policy (for faculty and staff concerns)
  - Negotiated Agreement for Faculty

### **Conclusion**

Civility is not just an expectation but a shared responsibility at FSCC. By committing to respect, understanding, and professionalism, we ensure that our college remains a safe, inclusive, and intellectually vibrant place for all members of the FSCC community.

Fort Scott Community College, as an institution of higher learning with a long history of culture and diversity, remains dedicated to fostering a culture where individuals are free to engage in respectful dialogue and critical thinking.

### **EMPLOYMENT**

According to the Fair Labor and Standards Act, there are two types of employees: exempt and non-exempt. An employee will qualify for exemption if he or she meets all the pertinent tests relating to duties, responsibilities and salary. Exempt employees are exempt from both the minimum wage and overtime pay requirements. An exempt employee is not eligible for compensatory time. Non-exempt employees must keep an accurate timesheet recording actual hours worked. The supervisor must authorize any overtime.

The college staff is comprised of two major categories of employees: classified and professional (administrative, instructional and support). Full-time instructional employees who have achieved tenure (three years of successful probationary employment) possess certain due process rights under the Kansas statutes governing public community colleges. Other professional (administrative and support) employees and classified employees may not be subject to the same regulations and guarantees as those governing tenured instructors.

**Support Staff:** A support staff employee is a non-exempt employee who is paid an annual salary based on the number of hours worked. Support staff employees report directly to their immediate supervisors.

**Classified Personnel:** A classified employee is an exempt employee who is paid an annual salary and is exempt from time sheets. Classified employees report directly to their immediate supervisors.

**Instructional:** The instructional staff consists of full-time instructors, part-time instructors, daytime or evening adjunct staff, outreach instructors and coordinators.

**Administration:** Administrative personnel consist of the Vice President of Academic Affairs, Dean of Students, athletic director, Vice President of Finance and Operations, Pittsburg and Paola Associate Deans, Occupational Associate Dean, Assistant to the President, Human Resource Director, and the director of business/industry and endowment. All administrative personnel report to the President.

### **TRAINING PERIODS**

New classified college employees must serve a training period of at least 90 calendar days. The training period is considered a working test of the employee's ability to render satisfactory service. During the training period, the immediate supervisor must provide reasonable training and instruction necessary for the employee to learn the job. Performance expectations derived from the job description are to be established at the beginning of the training period and used as the basis for the review of performance progress.

### **DRESS CODE AND APPEARANCE** *revised 5/19/25*

Fort Scott Community College (FSCC) values a respectful, inclusive, and professional work environment. The College recognizes that employees have individual preferences and personal styles, and supports a relaxed, contemporary approach to workplace attire. At the same time, employees are expected to use good judgment and maintain an appearance that reflects positively on the College's mission, values, and reputation.

All employees are responsible for presenting themselves in a manner that is appropriate to their roles and work environments. Clothing should be clean, neat, and consistent with the expectations of the position, while not violating any local, state, or federal laws. In all cases, attire should support a productive educational setting.

Supervisors are entrusted with the responsibility of setting and communicating clear expectations for dress and appearance within their departments or divisions. Because job functions and work environments vary across campus, supervisors may establish reasonable guidelines tailored to specific duties, safety requirements, or professional interactions. Supervisors are also expected to address concerns regarding attire in a respectful, constructive manner.

Employees are encouraged to seek clarification from their supervisors if they have questions about appropriate attire for their role.

#### **IN-SERVICE EDUCATION** *reviewed 4/21/25*

The Vice President of Academic Affairs in consultation with the administrative team will develop a program of in-service education that will promote continuous professional development, improvement, and job performance of all personnel. This program may utilize all or a portion of the workday or be combined with regular staff meetings. All employees are expected to attend in-service education sessions unless excused by the appropriate dean or Vice President.

#### **COMPENSATION FOR EMPLOYEES**

Classified salaries are determined on a salary range, which accounts for the levels of difficulty, experience and education required in the position. Individual classified salaries are also determined by considering the four factors below:

1. Market price - the salaries other employers pay for similar jobs.
2. Internal equity - the relationship between a given job and other jobs within the college pay range.
3. Recruitment - the availability of qualified applicants.
4. Benefits - the value of the college's benefit package compared to the benefit packages offered by other employers.

Administrative and support salaries are determined on the basis of qualifications and experience, market price, internal equity, levels of responsibility, recruitment, and benefits. Full-time instructional salaries are determined by the rules governing placement on the salary schedule that is part of the existing negotiated agreement. Adjunct instructors have a pay scale based on the number of student credit hours generated in each class as well as with educational and experience data on file in the instruction office.

#### **WORK AND LUNCH BREAKS**

Although work breaks are not mandated by federal or state law, they are recognized by FSCC as an important and necessary part of the workday. All staff are encouraged to take a lunch break of at least a half-hour in length each day as close as possible to the midpoint of the work shift. Lunch break is not considered a part of the work day. Each classified employee is to be offered a rest break not to exceed 15 minutes in length for each half day worked. Supervisors have the responsibility to manage break schedules.

#### **PHYSICAL ACTIVITY BREAK** *approved 12/22/17*

Employees will be allowed a paid thirty-minute break per day to access physical activity opportunities on campus in addition to already existing breaks and lunch. Minute allotment cannot be used within an hour of the beginning or end of the work day. Coordination of physical activity break times will be at the discretion of the supervisor.

#### **OVERTIME/COMPENSATORY TIME** *revised 1/9/17*

Supervisors may require any non-exempt employee to work overtime hours in order to meet special or unusual business operation needs beneficial to FSCC.

Non-exempt employees are subject to the overtime provisions of the Fair Labor Standards Act (FLSA) and must be compensated according to FLSA guidelines for all hours actually worked in excess of 40 hours in the standard workweek. In keeping with the overtime provisions of the Fair Labor Standards Act, all non-exempt employees must be compensated at time and one-half for all hours worked in excess of 40 within the standard workweek. The standard workweek is defined as 12:01 am Sunday and extending through the seven-day period at midnight the following Saturday.

In lieu of overtime payment, Fort Scott Community College may grant compensatory time off as set by FLSA regulations.

#### LIMITS AND REQUIREMENTS OF OVERTIME/COMPENSATORY TIME

1. All overtime must be authorized in advance by the employee's Vice President.
2. Overtime may not be worked as an option to accumulate hours in order to avoid using annual leave.
3. Compensatory time must be used first in lieu of paid vacation or sick leave.
4. Early arrival or late departure not authorized by the supervisor cannot be counted toward overtime/compensatory time.
5. Paid leave and compensatory time taken need to be noted on the employee's timesheet.
6. Accrued compensatory time may not exceed 80 total hours for overtime hours worked.
7. All compensatory time earned/taken will be recorded in the paid leave system.

#### EMPLOYEES

1. May not work extra hours without the permission of their supervisor.
2. May not accrue more than 80 total hours of compensatory time for overtime hours worked.
3. Shall complete their timesheet on a daily basis.

#### SUPERVISORS

1. Will be responsible for monitoring, documenting, and reconciling all overtime/comp time of employees under their supervision. This will be done on a daily basis as employees complete timesheets.
2. May require the employee to take time off during the workweek to prevent the accumulation of compensatory time.

#### VICE PRESIDENT

1. Will verify the compensatory time records at the completion of every month.

#### Compensatory time will be tracked as follows:

1. Hours in excess of 40 hours actually worked within the standard workweek will be compensated at time and one-half. Paid leave (vacation, sick, holiday, time off for professional development) or accumulated comp time taken is not counted as hours worked in determining compensatory time computation.
2. If used during the current workweek, compensatory time will be calculated hour for hour, not to exceed 40 hours per week.

#### Use of compensatory time:

1. Employee must have the supervisor's permission to use accrued compensatory time.
2. Permission is requested by completing a leave request 2 days in advance.

3. In most cases the supervisor will allow the employee to use compensatory time.

Payment of overtime:

1. The Vice President may elect to pay overtime occasionally for special events.
2. Written authorization by the Vice President is required for payment.
3. Occasional payment of overtime does not negate accruing of compensatory time.

Payment of compensatory time:

1. In the event an eligible employee accrues more than 80 total hours of compensatory time, the excess over 80 hours will be paid to the employee no later than the next regular pay day following the posting of accrued hours. Payment for compensatory time in excess of 80 hours will be made at the rate currently earned by the employee.
2. Employee's compensatory time may be paid in full upon the discretion of the college.

## **PAYROLL CHECKS**

The budget year for classified and professional salaries begins on July 1 and ends the following June 30. The beginning year for faculty contracts is ordinarily in August or the first month of service. Payment for services is made once per month, ordinarily on the 20th or earlier if the 20th occurs on a weekend. Salary is paid by direct deposit to any legitimate financial institution of the employee's choosing, or may be paid by check. A monthly salary statement is given to each employee having direct deposit. The statement will itemize deductions and other amounts that have been withheld from the paycheck. Items which are automatically deducted from monthly salary include applicable taxes, Social Security, group health insurance, and Kansas Public Employees Retirement for those eligible to participate in that benefit, and 403-B for those who participate. Complete descriptions of health benefits, deductibles, limitations, exclusions and other provisions are available from the Human Resource Office. Any employee who wishes to change withholding information, change a voluntary deduction, or who has a question concerning the payroll check should contact the Human Resource Office. All requests for salary deductions must be submitted to the Director of Human Resources during the enrollment periods established by the Board. Only those salary deductions authorized by law, negotiated agreement, or Board policy will be permitted.

## **SECTION 125 CAFETERIA PRE-TAX SALARY REDUCTION PLAN**

FSCC offers employees a way to pay for certain expenses with pre-tax dollars. These expenses include the employee's portion of the monthly health insurance premium, dependent care expense, and unreimbursed health and dental care expenses. Employees can also elect reimbursement with pre-tax dollars through the Section 125 dependent care reimbursement plan to pay for eligible dependent care expenses. Certain restrictions apply to the salary reduction plan and careful planning is required to ensure the maximum pre-tax benefit. Even if employees are covered under the college's group health insurance, there are usually some out-of-pocket expenses. Those medical expenses, as well as expenses for some types of medical services not covered by insurance, are eligible for reimbursement with pre-tax dollars through the Section 125 medical reimbursement plan.

## **KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM** *reviewed 2/17/25*

FSCC contracted employees who work 630 hours or more are members of the Kansas Public Employees Retirement System (KPERS). An employee becomes a fully participating member immediately upon contracted employment. The employee immediately begins contributing six percent (6% of gross pay) through payroll deductions. The State of Kansas contributes a percentage set by law each year. Since the third quarter of 1984, employee contributions have been sheltered from federal income tax. All members of KPERS also participate in the federal social security program. Life insurance and service-connected death benefits are provided to all eligible employees through KPERS. In the event of an employee's death, a lump sum payment will be paid to the designated beneficiaries. If the employee's death is service-connected, payment is subject to the terms defined by KPERS. KPERS also administers long term total disability benefits for FSCC employees. Disability means total and permanent disability after 180 consecutive workdays missed (6 months) regardless of cause. The disability may be either physical or

mental (two-year limitation on mental). Benefits are subject to coordination with Social Security, Worker Compensation and other employer-provided disability benefits.

#### **WORKER COMPENSATION** *reviewed 2/17/25*

The college participates in worker compensation as required by current statute. Under the Worker Compensation Law, employees are entitled to certain benefits if they are injured on the job or suffer from an occupational illness. If an employee sustains an injury or contracts a disease believed to be related to employment, the employee must report it to the supervisor immediately. A report on the injury or disease must be completed in the Human Resource Office. Combined worker compensation and salary benefits under allowed sick leave or other available leave shall not exceed the employee's regular salary. To ensure benefits, claim forms must be filed in a timely manner.

#### **UNEMPLOYMENT INSURANCE**

Should an employee separate from FSCC, the employee may be eligible for unemployment compensation, depending on earnings during the past year, the nature of the employment, and the conditions of the separation.

#### **CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA Health Insurance)**

An employee whose employment terminates for any reason other than gross misconduct or whose hours are reduced is eligible for COBRA coverage. Coverage for the employee and eligible dependents may be continued for up to 18 months. A spouse and/or dependent children whose coverage terminated due to divorce, legal separation, or death of the employee is eligible for COBRA coverage for up to 36 months from the date of the terminating event. A dependent child whose coverage terminated due to loss of dependency status is eligible for continuation of group coverage under COBRA, extended for up to 36 months from the date of the terminating event. Any individual with COBRA coverage who becomes entitled to Medicare will no longer be entitled to COBRA coverage. If the employee has a family contract, the eligible spouse and/or any eligible dependents will be entitled to a maximum of 36 months of COBRA coverage beginning on the date the employee became entitled to Medicare.

#### **NEPOTISM**

Relatives of current Board members will not be employed for the position of President, Vice President of Academic Affairs, Dean of Students, or Vice President of Finance and Operations at the college. Relatives of present employees of the college will not be hired for positions which would require one relative to supervise, evaluate, or discipline the other. "Relative" for the purpose of this policy is defined as mother, father, brother, sister, husband, wife, son, daughter, mother/father-in-law, brother/sister-in-law, son/daughter-in-law.

#### **ACTIVITY PASSES** *reviewed 2/17/25*

Activity passes for full-time and immediate family members are available for college-sponsored events. Employees are urged to show interest in and attend as many college functions as possible. Employee attendance promotes enthusiasm for the overall college program.

#### **CONFLICT OF INTEREST** *approved 12/16/24*

**The purpose of these regulations and procedures is to:**

- Provide examples of conduct which is deemed to constitute actual or apparent conflict of interest;
- Describe the process by which disclosure of actual, potential or apparent conflicts of interests, are to be made by Fort Scott Community College Employees or representatives; and
- Describe enforcement of the conflict of interest policy.

For the purpose of these regulations and procedures, the following definition applies. "Conflict of interest" means the existence of an Employee's financial or personal considerations which may, or may appear to, impair or compromise the performance of the Employee's duties as a Fort Scott Community College Employee for or on behalf of Fort Scott Community College.

#### **Types of Conflict**

A conflict of interest, or apparent conflict of interest, exists when an Employee or person acting for or on behalf of Fort Scott Community College:

- Seeks personal gain through his/her employment at Fort Scott Community College;
- Engages in non- Fort Scott Community College employment or consulting activity for himself/herself or for another which impairs:
- His/her ability to fulfill her/his obligations to Fort Scott Community College as an Employee; or,
- The Employee's judgment in the performance of Fort Scott Community College duties and responsibilities.

### **Personal Gain**

The following are examples of conduct which present a conflict of interest when personal gain accrues to the employee or a member of his/her family or others with whom he/she is associated. A person uses, or attempts to use:

- His/her position with Fort Scott Community College to achieve a material and/or financial benefit for himself/herself or others;
- Fort Scott Community College property, resources or services, including but not limited to, Fort Scott Community College offices, office supplies, telephone, equipment, computing resources, for personal and private purposes to achieve a material or financial benefit for himself/herself or others;
- Fort Scott Community College Employees, Students, contractors, or volunteers to achieve a material or financial benefit for himself/herself or others; and
- Any confidential information acquired in connection with Fort Scott Community College related activities or Fort Scott Community College employment to achieve material or financial benefit for himself/herself or others, or for unauthorized purposes.

A person directly or indirectly solicits, receives or accepts anything of more than nominal value from any person or organization seeking to do business with or have an association with Fort Scott Community College.

*Exceptions are:*

- Registration for an event at which the Employee is making a presentation or providing a service, as an Employee of Fort Scott Community College, to the event sponsor;
- Promotional items, such as coffee cups, pens, pencils, mouse pads, etc;
- Textbooks, software, and instructional materials to be reviewed by teaching faculty;
- An award, plaque, certificate, memento or similar item given in recognition of the Employee's charitable, civic, professional, personal private, public or political achievements;
- Food and/or beverage of nominal or reasonable amount given to or consumed by an Employee at a single meal or event; or,

*The President or his/her designee may grant additional exceptions, in writing, when he/she determines, upon the basis of the facts presented:*

- The benefit accruing to the individual is of nominal value; and ,
- The exception will not impair either the individual's or Fort Scott Community College's ability to conduct business ethically, fairly and impartially; or,
- When the requested exception is a common and generally accepted practice in public higher education institutions.

### **Other Employment and Activity**

The following are examples of non-Fort Scott Community College employment or activity, either with or without compensation, which impairs the ability of an individual to perform his/her obligations as an Employee or representative of Fort Scott Community College.

- Employment or other activity, which occurs at times during which the Employee normally is to perform his/her obligations for Fort Scott Community College.



- Employment, without the approval of your immediate supervisor or head of department, in a teaching capacity on a full-time or part-time basis with another higher education institution.
- Employment or activity individually or with another person or entity providing goods or services which are in competition with goods and/or services provided by Fort Scott Community College.
- Fort Scott Community College Disclaimer. In all employment or activities outside of Fort Scott Community College employment, each Employee functions in his or her individual capacity, without the support of the Fort Scott Community College, and is solely responsible for his/her acts.

**Disclosure:** Creation of Fort Scott Community College Financial Obligations. All persons recommending or involved in creating any financial obligation of Fort Scott Community College, including but not limited to the purchase of goods or services, contracts obligating the Fort Scott Community College, and leases, shall disclose to their supervisor the nature of any relationship whatsoever they may have with any vendor, contractor or lessor. A financial obligation in which an Employee or representative of the Fort Scott Community College has an interest will only be entered into if:

- It is deemed to be in the best interests of Fort Scott Community College; and,
- Such person's interest with the other party will not conflict substantially or materially with such person's discharge of his/her Fort Scott Community College responsibilities.

#### **Disclosure—Conflict with Duties**

All persons considering non- Fort Scott Community College employment or other activity which may create a conflict of interest have a duty to disclose any actual or potential conflict to their supervisor by submitting a written statement describing the nature of the potential conflict. Supervisors who become aware of such actual or potential conflict with Fort Scott Community College by persons within their supervision have a duty to request such individuals provide such a written statement.

#### **Disclosure Advice**

Any person who is in doubt whether he/she is confronted with an actual or potential conflict of interest should seek the advice of his/her supervisor or the appointing authority for his/her position to determine if the interest could conflict impermissibly with the person's obligation to Fort Scott Community College.

#### **Annual Disclosure**

All officers of Fort Scott Community College or its Board of Trustees, deans, directors and those persons identified by the President shall annually submit a completed "Annual Conflict of Interest Disclosure Statement" to the Vice President of Finance and Operations.

#### **Enforcement**

The ultimate responsibility for the enforcement of the policies and regulations on conflicts of interest is that of the President who may delegate authority for enforcement to other Fort Scott Community College officials.

*Violations of the policy or regulations, include, but are not limited to:*

- The failure to file timely disclosures;
- Filing incomplete, erroneous, or inaccurate disclosures: or,
- Failure to comply with prescribed procedures for managing or resolving conflicts or potential conflicts of interest.
- Violations shall subject the person to disciplinary sanctions which may include, but are not limited to, suspension from or termination of employment.
- Examples of situations in which a conflict of interest will be deemed to exist.
- The use of the Employee's or individual's official title of employment or the Fort Scott Community College's name, or any of Fort Community College's component parts, including any of the Fort Scott Community College's graphics, in any situation other than in the conduct of official Fort Scott Community College business.

- The use of any Fort Scott Community College resource, including but not limited to Fort Scott Community College stationery, the Fort Scott Community College's address, phone number, fax number or electronic mail address as a contact point for personal or private business use.
- The use of the Fort Scott Community College's name, its tax exempt status or its tax exempt number to purchase goods or services for personal or private business use.
- The use of Fort Scott Community College resources in such a way as to interfere with, or cause harm or damage to another person, institution, or company within or outside the Fort Scott Community College community.

In compliance with §200.112 Conflict of Interest and §200.113 Mandatory Disclosures Fort Scott Community College will disclose to Federal agencies any instances of conflict of interest or relevant violations of Federal criminal law.

**BUSINESS ETHICS POLICY - GIFTS, FAVORS, AND ENTERTAINMENT RECEIVED BY VENDORS** Employees shall not seek or accept for themselves or others any gifts, favors, or entertainment, without a legitimate business purpose. A strict standard is expected with respect to gifts, services, discounts, entertainment or considerations of any kind from suppliers. Employees should avoid any situation which involves or may involve a conflict between their personal interest and the interest of the College. As in all other facets of their duties, employees dealing with customers, suppliers, contractors, competitors or any person doing or seeking to do business with the college are to act in the best interest of the college. Each employee shall make prompt and full disclosure in writing to their Dean or Vice President of any potential situation which may involve a conflict of interest.

In the application of this policy, employees may accept for themselves and members of their families common courtesies usually associated with customary business practices. These include but are not limited to:

- Lunch and/or dinner with vendors sometimes including spouses as long as the invitation is extended by the vendor.
- Gifts of small value from vendors such as calendars, pens, pads, knives, etc. (not to exceed \$100 in value).
- Tickets to events (such as sports, arts, etc.) are acceptable if offered by the vendor and the vendor accompanies the associate to the event (not to exceed \$100 in value). These are not to be solicited by the employee and must be approved by the appropriate Dean or Vice President.
- Gifts of perishable items usually given during the holidays such as hams, cookies, nuts, etc., are acceptable.

Day outings such as golf, fishing, and hunting are acceptable with prior approval from the appropriate Dean or Vice President. The vendor must be in attendance and participation by the associate's family members is not acceptable.

Use of vendor's facilities (vacation homes, etc.) by employees or families for personal use is prohibited. It is never permissible to accept a gift in cash or cash equivalent such as stocks or other forms of marketable securities of any amount.

Employees should not accept gifts from those under their supervision of more than limited value.

#### **TUITION** *revised 3/18/24*

Employees and their immediate family members are eligible for scholarships which cover the cost of in-district tuition and fees. The scholarship recipient pays specific course fees and cost of books/supplies. Employee should complete the necessary scholarship form for themselves and/or their immediate family members. The form can be found on the employee pages. Employees should schedule classes that do not interfere with their regular working hours. The employee's supervisor and the appropriate vice president must approve any exception. The individual may choose not to apply for the employee tuition scholarship

if he/she applied and qualified for another institutional and/or endowment scholarship of greater value. An individual may not receive two or more institutional/endowed scholarships with assistance greater than the value of tuition.

### **ADJUNCT TUITION**

FSCC's philosophy encourages lifelong learning, and employees are encouraged to attend classes. Adjunct instructors and their immediate family members (i.e. spouse and dependent children) are eligible for tuition scholarships for FSCC courses. The terms of the tuition scholarship are as follows:

1. The adjunct instructor must be teaching a class during the semester in which the course is taken.
2. The scholarship pays in-state tuition for a single course of up to 5 credit hours. For residents of other states, only the in-state tuition scholarship amount will be received; the adjunct instructor is responsible for the remainder of the tuition.
3. The scholarship recipient pays fees and cost of books/supplies.
4. To apply for the scholarship, adjunct instructors should complete the necessary scholarship form, available at the office of the Director of Admissions, for themselves or their family members.
5. The instructor's division chair/director and the appropriate dean or Vice President must approve the scholarship application.
6. A scholarship recipient under the provisions of this policy may receive other institutional and/or endowment scholarships or financial aid. However, the individual may not receive total FSCC scholarship monies exceeding their tuition costs.

### **CAMPUS CLOSINGS DUE TO WEATHER** *revised 3/18/24, reviewed 3/24/25*

It is FSCC's policy to keep the college open for classes during bad weather. The decision to close campus will usually be made prior to 6:00 am on the day of classes. If classes are cancelled, notification will be submitted to the following radio and television stations. Notification will also be made via the college website, social media, and email.

Radio Stations to listen to:

- KESM - El Dorado Springs
- KKOW - Pittsburg
- KMDO/KOMB - Fort Scott
- KNEM/KNMO - Nevada

TV Stations to Watch:

- KOAM (CBS Channel 7)
- KODE (ABC Channel 12)
- KSNF (NBC Channel 16)
- KSHB (NBC Channel 41)

In accordance with federal wage-and-hour laws, when the College remains open, faculty and staff who cannot come to work because of bad weather must take personal or vacation leave.

If the decision is made to close a particular site, the President or designee of the College may call a holiday for employees at the respective location(s). Even though the site is closed, administrative personnel are expected to coordinate activities and perform duties as necessary and appropriate.

### **WORK HOURS FOR FACULTY MEMBERS**

Faculty members are exempt employees and are not eligible for compensatory time. It is understood that the faculty member will devote whatever time is required to do the job. It is expected, however, that full time faculty will work a minimum of 32 hours on campus or at an approved work site each week over a five-day period. Lunch schedule is not a part of the work load schedule.

During the regular workday, all faculty are expected to remain on campus or at an approved work site to discharge responsibilities unless an approved flextime schedule is established. Responsibilities include classroom instruction, office hours, individualized instruction, counseling and advisement functions, supervising learning activities, and professional growth activities, committees, etc. This may include both day and evening classes. Faculty on part-time contracts will maintain regular hours dependent upon the number of hours taught. They will be expected to participate in the above listed responsibilities as their hours permit. Faculty who receive extra pay for additional hours through overload, seminar training, or instruction for outside agencies may not use these work hours as a part of their regular workday. The Vice President of Academic Affairs's office must maintain a current schedule of all faculty work hours. Class hours will be posted in a visible location by the first week of class for each teaching session: summer, fall, and spring.

### **WORK HOURS**

Specific work periods will not exceed 40 hours per week for classified employees. However, it is understood that staff members will devote whatever time is required. Most classified employees work from 8:00 to 5:00 p.m. Monday through Friday. The lunch schedule is not a part of the workload schedule.

Hours of work for professional employees will be determined in consultation with their immediate supervisors to meet specific responsibilities and client needs. Exempt employees are those who are exempt from both the minimum wage and overtime pay requirements and who do not generally keep a timesheet recording actual worked. An employee will qualify for exemption if he or she meets all the pertinent tests as defined by law, relating to duties, responsibilities, and salary. An exempt employee is not eligible for compensatory time.

### **EMPLOYEE BENEFITS** *reviewed 2/17/25*

Full time employees enjoy benefits including vacation (not available to professional/instructional employees.) Other benefits offered include sick leave accrual, health insurance coverage, participation in the Kansas Public Employees Retirement System, and Internal Revenue Code Section 125 Cafeteria Salary Reduction Plan.

### **RECRUITMENT METHODS**

It is the policy of Fort Scott Community College to hire and promote qualified staff on the basis of merit without regard to race, color, creed, sex, age, marital status, sexual orientation, national origin, or disability. All appointments must satisfy the policies and regulations of the FSCC Board of Trustees and the mandates of the Kansas State Board of Education, the Kansas Board of Regents, and the federal government.

Vacancies are posted on the college website. Other recruitment methods are also utilized to obtain qualified, interested and experienced applicants for position vacancies. These methods can include reactivating applications received from qualified candidates, equivalent vacancies within the previous year, accepting applications from qualified persons eligible for transfer or promotion from other college units, advertising in the media and through specialized channels, and issuing invitations to qualified individuals to apply for specific vacancies.

### **BOARD HIRING POLICY**

Fort Scott Community College is an equal opportunity employer. The following process is used for selection hiring practices.

- Position is posted internally and advertised for potential candidates.
- The Human Resource Director compiles a selection committee which includes representation from different departments.
- The Human Resource Director prepares copies of all of the considered candidates for review of the selection committee.
- At the beginning of the candidate review meeting, the Human Resource Director will work with the committee to determine the prominent attributes or qualifications for this position.

- Each selection committee member will identify candidates that they would like to have interviewed for the position.
- The Human Resource Director will poll the committee on the candidates selected and those candidates who have the majority votes will be granted interviews.
- Interview questions will be developed in the Human Resource department with input from the specific area if needed.
- Upon conclusion of the interviews, the Human Resource Director will facilitate discussion amongst the committee for strengths and weaknesses of the candidates.
- After discussion, the Human Resource Director will poll the committee members for a 1<sup>st</sup> choice and 2<sup>nd</sup> choice preference. The committee members have the right to choose a second round of interviews as one of the choices. Following polling of the committee, the Human Resource Director will check references for the candidate earning majority vote.
- Providing the reference checks contain position feedback, the Human Resource Director will then consult with the President for approval of the offer and salary compensation.
- All employment offers are contingent on Board of Trustee approval at the next Board meeting.

Fort Scott Community College has the right to alter the selection process for pertinent administrative positions, succession planning, assistant coaching positions, or unique situations.

### **SALARY STATEMENTS**

Salary statements will show itemized deductions and the amounts withheld from the paycheck. Items that are automatically deducted from monthly salary include applicable taxes, social security, group health insurance, and Kansas Public Employees Retirement Service for those eligible to participate in that benefit. Complete descriptions of health benefits, deductibles, limitations, exclusions and other provisions are available from the Human Resource Office. Any employee who wishes to change withholding information, change a voluntary deduction, or has a question concerning his or her payroll check should contact the Human Resource Office.

### **PROFESSIONAL ORGANIZATIONS** *reviewed 2/17/25*

The FS-CAPE organization is a professional association recognized by the Board of Trustees as the official agency representing the full time and part time instructional staff in its contract association with the Board of Trustees. The FS-CAPE is recognized as the bargaining agent for the instructional staff, representing them in all contract negotiations and other contract matters. The Kansas Public Employer-Employee Relations Act was passed to promote improvement in employer-employee relations in the public agencies in Kansas. This law recognizes the right of public employees to join or refrain from joining organizations as they wish.

### **HEALTH INSURANCE FOR RETIRED EMPLOYEES** *reviewed 4/21/25*

Officially retired FSCC employees and their spouses may remain on the college's health insurance policy until they are entitled to Medicare. They are required to pay the full premium cost.

### **JOB DESCRIPTIONS**

Job descriptions shall be reviewed annually at the time of performance reviews to ensure that the duties and responsibilities of staff positions are accurately reflected and described.

### **PERFORMANCE REVIEWS**

Periodic performance reviews are an integral part of continued professional growth and are used to foster increased communication between employees and supervisors. Performance review is to be completed at least annually for classified and administrative employees. Classified employees are to be evaluated just prior to the end of their 90-calendar day training period. Instructors receive evaluations according to the negotiated agreement. Employees will be asked to sign and date reviews at the time of the review.

### **STUDENT FRATERNIZATION POLICY**

For purposes of this policy, "fraternization" includes any amorous, romantic, and/or sexual conduct or relationship, consensual or otherwise.

While faculty and staff are allowed to foster appropriate relationships with students, fraternization (as defined above) between any employee of the University and any registered University student is strictly prohibited. This policy is not meant to discourage all student/employee interaction, but instead to promote healthy, productive, proper relationships between students and employees that will allow for all parties to grow and for the overall mission of the University to flourish.

#### **RESIGNATIONS** *reviewed 4/21/25*

The Board will consider the resignation of any employee submitted to the Board in writing and will accept such resignations only when the Board is of the opinion that such resignations will be in the best interest of the college.

To resign from college service in good standing, a staff employee shall file a written resignation notice with the Human Resource Director and provide a copy to the employee's supervisor. This notice should be submitted at least two weeks prior to the anticipated last day of work and should state the effective date of resignation and the reason for the resignation.

#### **EMERITUS STAFF** *created 12/16/19, revised 4/20/20*

In recognition and appreciation of the efforts of the Fort Scott Community College (FSCC) faculty and staff, the Board of Trustees hereby establishes "Emeritus Staff Status" for those employees of the College who meet the eligibility requirements as outlined below.

##### Eligibility:

The Title of "Emeritus" may be granted to a member of the Faculty, Administration, or Support Staff if the College employee has served FSCC with distinction for fifteen or more years and has retired from FSCC. College employees who served FSCC with distinction for fifteen years or more and retired before January of 2020 may apply through the human resource department for consideration of Emeritus Staff Status.

##### Election of Candidates:

Candidates shall be nominated by the President of FSCC and confirmed by the FSCC Board of Trustees.

##### Emeritus Privileges:

A person granted emeritus status shall, subject to any subsequent modification or termination of this policy, be entitled to receive the following:

- A printed resolution of the FSCC Board of Trustees' action granting emeritus status
- Lifetime all event pass for FSCC activities
- Participate in FSCC graduation ceremonies if they so choose

#### **PERSONNEL FILES**

Personnel files kept by the college concerning employees shall be under the custodianship of the Human Resource Office. Individual personnel files are open for examination by the employee if the employee makes request.

Custodians of employee records may also legally grant access to public records to a person who has made a written request for access for information and certifies that the intended use is a proper one. These records may contain application forms, resumes, transcripts, payroll and leave data, performance reviews, and other work-related documents. It is important to notify the Human Resource Office of any change in address, telephone, marital status, number of dependents, changes in deductions for tax purposes, changes or additions in insurance coverage, additional training or education, or any other changes, which may affect status. Medical files that may be required pursuant to provisions of the Americans with Disabilities, Family Medical Leave, Bloodborne Pathogen control policies, or other federal and state mandates are maintained in confidential files apart from personnel files.

## **PROGRESSIVE DISCIPLINE POLICY** *approved 12/16/24*

### **Purpose**

Fort Scott Community College's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Outlined below are the steps of Fort Scott Community College's progressive discipline policy and procedures. All phases of this policy shall be done in collaboration with the human resource department. Fort Scott Community College reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Fort Scott Community College and its employees.

### **Procedure**

#### ***Step 1: Counseling and verbal warning***

Step 1 creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

#### ***Step 2: Written warning***

The Step 2 written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences.

During Step 2, the immediate supervisor and a division manager or director will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

#### ***Step 3: Suspension and final written warning***

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from a next-level supervisor and HR.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage and hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of wrongdoing.

#### ***Step 4: Recommendation for termination of employment***

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, Fort Scott Community College will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, Fort Scott Community College reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

The supervisor's recommendation to terminate employment must be approved by human resources and the appropriate dean or vice president and college president.

#### **Appeals Process**

Employees will have the opportunity to present information to dispute information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the step meetings, he or she will have ten business days after each of those meetings to present such information.

#### **Performance and Conduct Issues Not Subject to Progressive Discipline**

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

#### **Documentation**

The employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents.

Copies of these documents will be placed in the employee's official personnel file.

#### **SEPARATION FROM EMPLOYMENT**



### Employee Notice

1. Contractual Employees: Notice from, and notice to separating contracted employees shall be in accordance with their individual contract, College policies and procedures, and/or any applicable Kansas Statutes.
2. Non-Contractual ("at will") Employees/Voluntary: At least two (2) weeks prior to the final date of employment, the employee is asked to submit his/her signed letter of resignation to his/her supervisor, who will immediately forward it to the Office of Human Resources.
3. Non-Contractual ("at will") Employees/Involuntary: The supervisor will coordinate the termination process with the Office of Human Resources prior to dismissing an employee to check on any possible legal ramifications. Prior to the dismissal, approval must be obtained from all direct and indirect supervisors, as well as the President or his/her designee.

Other requirements are typically as follows:

- a. Dismissal for Cause: No advance notice to the employee is necessary if the employee is dismissed for cause, including but not limited to, gross misconduct. An employee who is involved in the College's disciplinary process whose job performance stagnates or deteriorates is considered to have provided cause. The supervisor, with guidance from the Director of Human Resources, will provide the separating employee with a written letter of termination. A copy of this letter will be forwarded to the Office of Human Resources.
- b. Dismissal without Cause: A non-contractual ("at will") employee may be terminated from employment without cause upon written two (2) weeks' notice prior to the final termination date. The College may, in its discretion, substitute two (2) weeks' pay in lieu of notice. The supervisor, with the guidance from the Director of Human Resources shall provide the employee written notice and forward a copy of such notice to the Office of Human Resources.
- c. Position Elimination: The supervisor, with guidance from the Director of Human Resources, will issue a letter of intent to terminate at least two (2) weeks prior to the last day of employment when a position is being eliminated. A copy of the letter will be sent to the Office of Human Resources.

\*Unique circumstances will be considered.

### GRIEVANCE PROCEDURE

A grievance is a complaint by an employee based on an alleged violation, misinterpretation, or misapplication by the college of a contract or agreement, a Board policy, administrative regulation or practice affecting conditions of employment. Members of FS-CAPE will refer to the negotiated agreement for a suitable grievance procedure. The following agreement applies only to personnel not covered by the FS-CAPE negotiated agreement. The President of the college has the right to intercede at levels one and two to circumvent the grievance procedure and bring it immediately to level three.

**Level One:** The aggrieved person may first discuss the problem with his immediate supervisor. During the discussion, the aggrieved person and the supervisor shall seek to resolve the matter informally.

**Level Two:** If the aggrieved person is not satisfied with the disposition of the grievance at level one, or if no decision has been rendered within one week of discussion of the grievance, the employee may file the grievance in writing with the appropriate dean or Vice President. Within one week after receipt of the written grievance by the dean or Vice President, the dean or Vice President will meet with aggrieved person in an attempt to resolve it.

**Level Three:** If the aggrieved person is not satisfied with the disposition of the grievance at level two or if no decision has been rendered within one week after discussion of the grievance, the employee may file the grievance in writing with the college President. Within one week after written receipt of the grievance by the President, the President will meet with the aggrieved person in an effort to resolve the grievance.

**Level Four:** If the aggrieved person is not satisfied with the disposition of the grievance at level three or if no decision has been rendered within one week after presentation of the grievance, the employee may file the grievance with the Board of Trustees. Within one week after receipt of the written grievance by the Board of Trustees or at its next regularly scheduled meeting, the Board or its designee will meet with the aggrieved person in an effort to resolve it. The Board shall submit its decision in writing to the aggrieved person within one week of the meeting.

#### **EVALUATION OF FACULTY MEMBERS**

Instructional development and evaluation at the college are viewed as a continuing and cooperative process to assess and improve instructional quality. In this effort, instructional faculty, students and administrators work together by reviewing general and specific instructional responsibilities, examining internal conditions, determining whether they meet the individual responsibilities satisfactorily, and by deciding on changes in these areas. The specific objectives of instructional development and evaluation at the college are to promote professional excellence and improve skills of the instructional faculty, to improve student learning and growth, and to provide a basis for the review of the performance of instructional personnel.

To accomplish the above objectives of the college, three evaluation development components are utilized. These components are self-evaluation, student evaluation, and administrative evaluation. The administration may conduct more frequent evaluations than mandated by statutes.

- A. For those instructors employed during the first three years, student evaluations will be conducted each semester; self and administrative evaluations with subsequent conferences will be conducted each semester.
- B. For those instructors employed during their fourth and fifth years, student evaluations will be conducted no later than December 1 of the fall semester. Self and administrative evaluations with subsequent conferences will be conducted not later than February 15 of the spring semester.
- C. For those instructors employed five or more years, student evaluations will be conducted not later than April 15 of the spring semester. Self and administrative evaluations with subsequent conferences will be conducted not later than May of the spring semester.
- D. The policy governing evaluation of instructional personnel is on file in the office of the Vice President of Academic Affairs and published in the faculty handbook.

Evaluation documents shall be available to the President, college deans or Vice Presidents under whose supervision the instructor works, the administrators who evaluate, the instructor, and others authorized by law.

The Vice President of Academic Affairs has the overall responsibility of administering the faulty evaluation and development system. As such, the office of instruction shall implement the procedures as follows:

- 1. **Student Evaluation of Instructor** - The student reaction questionnaire will be administered according to the time frame outlined above. Administration of the questionnaire shall be handled by the Vice President of Academic Affairs. The faculty member involved shall be out of the classroom when the questionnaire is administered. A proctor will provide instructions to students, monitor and collect completed questionnaires and return them immediately to the Vice President of Academic Affairs.
- 2. **Self-Evaluation** - will be completed by faculty members according to the time frame outlined above. The design of the questionnaire requires that faculty members provide written evidence to substantiate the rating given for each item on the self-evaluation questionnaire. A copy of the scored student evaluation questionnaire will be provided for use in the completion of the self-evaluation questionnaire. The completed questionnaires

will be presented to the Vice President of Academic Affairs during the evaluation conference.

3. **Administrative Evaluation** - The administrative evaluation will be completed by the Vice President of Academic Affairs according to the time frames outlined above. The design of the evaluation requires that the Vice President of Academic Affairs or designee provide written evidence to substantiate the ratings given for each item on the administrative questionnaire. Evidence to support these items regarding classroom instruction will be obtained by the Vice President of Academic Affairs through direct classroom observation and may be through videotape recordings.
4. **Evaluation Conferences** - An evaluation conference will be scheduled with faculty members according to the time frame outlined above. The evaluation conference will include discussion of the completed three evaluation components: student, self, and administrative. A conference summary will be maintained and signed by the participants. If the faculty member does not agree with the signed summary of the evaluation conference, he or she has the right to respond in writing not later than two weeks from the conference date.

### **SUSPENSION OF EMPLOYEES**

The President may suspend employees for cause with pay pending a Board determination and shall have the authority to suspend an employee until the next regular or special meeting of the Board under the guidelines of the current negotiated agreement.

### **NONRENEWAL OF TEACHING CONTRACTS FOR NON-TENURED TEACHERS**

Reasons for nonrenewal shall not be stated either in writing or verbally in any notice of nonrenewal given to a non-tenured teacher. No hearing shall be offered a non-tenured teacher except as provided by law. All administrative recommendations for dismissal and non-renewal given to the Board will be accompanied by a detailed documentation justifying any such recommendation.

### **REDUCTION OF TEACHING STAFF**

In the event the Board decides that the size of the instructional staff must be reduced, guidelines in the current negotiated agreement shall be followed.

### **SUPERVISION AND SPONSORSHIP OF STUDENT ACTIVITIES** *reviewed 2/17/25*

Cooperation among all employees is necessary to provide adequate supervision and sponsorship of student activities in the college. Club and student organization supervision and sponsorship duties may be selected by the instructors who may be compensated for their services in accordance with the rate established by the Board. In order to supplement a desirable educational program, the President shall establish out-of-class assignments and compensations when they extend beyond the regular school day or the time that classes are in session.

### **VACATION LEAVE**

New employees accrue 80 hours of vacation time each year, earning 1/12<sup>th</sup> of the accrual each month. **No vacation leave is earned during a month when the employee is on "leave without pay" any time during that same month.** Administrative staff, directors, and employees of five years or more accrue 120 hours of vacation yearly, earning 1/12<sup>th</sup> of the accrual each month. An employee can carry over the amount accrued within a year to the following year; however, amounts exceeding the annual accrual total will be forfeited after August 1. A leave request should be completed on FSCC's employee pages prior to taking vacation leave. Faculty, coaching staff, and part-time employees are excluded from vacation accruals.

### **SICK LEAVE**

Full time contracted employees are granted ten days' paid sick leave for the year, accumulative to one hundred and twenty days for illness of themselves or serious illness or death in the immediate family. For purposes of this policy, family member shall be interpreted to mean the spouse, child, father, father-in-law,

mother, mother-in-law, grandparents, sister, brother, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or grandchildren. An employee must report for duty at least one day at the beginning of his new period of employment.

### **CLASSIFIED STAFF SICK LEAVE POOL**

The intent of this Sick Leave Pool is to assist full-time classified employees who suffer prolonged illness or disability. The pool is intended to be used by participating full-time classified staff if they have exhausted their own sick leave, vacation, and personal days due to a catastrophic illness or injury to themselves. A classified staff employee may request special consideration for absences due to injury or illness of an immediate family member.

#### Definition of Catastrophic Injury or Illness

A catastrophic injury or illness is defined as a severe health condition (illness, injury, impairment, or physical or mental condition) that involves in-patient care in a hospital, hospice, residential medical care facility, or continuing treatment by a health care provider so severe in nature to have caused the administrative/institutional support or operational staff employee to exhaust all of their leave (sick leave, personal leave and vacation leave) provided under the applicable leave policy.

At the time the Sick Leave Pool is established and approved by the Board of Trustees, any classified staff employee wishing to participate in the Sick Leave Pool will be allowed to contribute two (2) days to the pool. After the establishment of the pool, the following rules will apply:

1. The Sick Leave Pool is created by allowing full-time classified staff at Fort Scott Community College to contribute sick days from their accumulated sick leave. Classified staff will receive a Sick Leave Pool contribution form either before or with their April paycheck each year. Those wishing to contribute to the Sick leave Pool should complete the form and return it to the Human Resource Department no later than May 5.
2. The Sick Leave Pool is managed/administered by a committee made up of classified staff employees of the Employee Relations SOAR committee. All recommendations for usage will be submitted by the committee to the College President for final approval.
3. Meetings to consider usage applications for the classified sick leave pool will be scheduled as needed.
4. In order to utilize the Sick Leave Pool, the classified staff members must have contributed a minimum of two (2) days during enrollment opportunities. The sick leave pool committee will not entertain requests from staff members who did not contribute during the previous school year unless unanimously determined as an exception by the committee.
5. The minimum of contributed days by each staff member is two (2) days, and the maximum number of days that may be contributed in a year is four (4) days.
6. The Sick Leave Pool has a maximum level of 250 contributed sick days. The maximum level can only be increased by approval of the FSCC Board of Trustees. If the pool falls below ten (10) days, an open enrollment can be determined by the College President.
7. Open enrollment is a condition whereby any full-time classified staff member may contribute a minimum of one (1) day and a maximum of two (2) days in order to increase the number of available days in the Sick Leave Pool. Open enrollment can only be called by the College President and will be limited to ten (10) working days.
8. Under normal conditions, the sick leave pool committee may only award a maximum of ten (10) sick days to any participating member within one school year. The committee may increase the maximum number of sick days available from the Sick Leave Pool, but only with an exception granted by the employee relations sick leave pool committee and approved by the College President.
9. Days contributed by pool members become a permanent part of the Sick Leave Pool and can never be directly refunded to the participant. Participating staff members may qualify for the use of the Sick Leave Pool days if they exhaust all their accumulated sick leave, vacation, and personal days.
10. The sick leave pool committee may not be used to cover a participant who is receiving pay or is eligible to receive pay from worker compensation, KPERS disability, or other disability insurance or assistance while unable to work.

11. This Sick Leave Pool policy may be reviewed by the Board of Trustees, the employee relations sick leave pool committee, and the College President as they deem necessary.
12. Applications for sick leave pool considerations are available in the Human Resource department.

### **PERSONAL LEAVE**

Three days of personal leave per year are granted, pro-rated for new employees. These days are not counted against the employee's sick leave credit. These days must be forfeited if not used within the fiscal year.

### **LEAVE WITHOUT PAY** *reviewed 4/21/25*

Leave without pay may be granted only when all other forms of leave have been exhausted. Excessive absenteeism causes disruption to the duties of the position. Excessive absenteeism can result in disciplinary action.

### **SABBATICALS** *reviewed 2/24/25*

Sabbatical leaves without pay may be granted at the discretion of the Board. Sabbatical leave may be granted up to a year to any college faculty or administrative employee after five years of employment at the college. The individual granted the leave shall be assured the same or a similar assignment upon returning to the college. If advance study results in a new professional classification, then the salary policy assigned to this classification shall apply, and the faculty members will advance on the schedule. In all cases, if the faculty member is gone during one academic year, he will be placed on the salary schedule as if his service had not been interrupted. Any employee desiring a sabbatical leave shall file written application with the appropriate dean or Vice President at least ninety days prior to the first day of the requested leave, explaining in detail the length and purpose of the desired leave. The President shall present said request to the Board for approval.

### **CONFERENCES AND VISITATIONS** *reviewed 2/24/25*

The President shall have the authority to grant leaves days for any employee during any academic year for the purpose of attending educational conferences.

### **EXCHANGE TEACHING**

Any instructor desiring a leave for the purpose of teaching in another college shall file a written application with the Vice President of Academic Affairs at least ninety days prior to the first day of the requested leave, explaining in detail the length and purpose of the desired leave. The President shall present this request to the Board for consideration.

### **EMERGENCY AND LEGAL LEAVE**

Emergency and legal leave without pay may be granted by the President or appropriate dean or Vice President. Emergency leaves with pay shall be granted at the discretion of the Board. No legal leave shall be granted with pay unless authorized by the Board. Legal leave means time away from the job for the purpose of prosecuting or defending a legal action or in testifying either a court of law or before an administrative Board. If the employee is a plaintiff in an action against the college, this rule shall not apply. Time away from the job for any such action shall be taken as provided herein and covered by other leave provisions as allowed by the college.

### **BEREAVEMENT AND SPECIAL LEAVE** *reviewed 4/21/25*

Full time employees shall be entitled to three days' loss of time each year to attend the funeral of a friend or a relative who is not a member of the immediate family, or a wedding or graduation within the immediate family, or answer a subpoena to appear in court. Bereavement leave must be approved in advance by the supervisor. Loss of time under this provision shall be charged against the sick leave credit balance.

### **EXTENDED ABSENCES**

Extended absences will be considered by the appropriate dean or Vice President upon timely application by employees. Approval of the President is necessary for extended leave.

**FAMILY AND MEDICAL LEAVE POLICY** *revised 11/18/24*

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six work weeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

The leave shall normally be unpaid leave. However, if the employee has vacation, personal, sick, or disability leave that is available for use, the paid leave shall be used first and counted toward the annual family and medical leave. The President will notify the employee prior to or during the leave period that the leave has been designated as paid family and medical leave.

Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

During the period of any unpaid family and medical leave the Board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to leave. Any employee portion of the cost shall be paid by the employee to the college on or before the payroll date. The Board may terminate group health coverage if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable. Family leave may not be used intermittently or on a part time basis without the prior approval of the President. Upon the employee providing notice of need for leave, the employer will notify the employee of:

- The reasons that leave will count as family and medical leave
- Any requirements for medical certification
- Employer requirements of substituting paid leave
- Requirement for premium payments for health benefits and employee responsibility for repayment if employer pays employee share
- Right to be restored to same or equivalent job
- Any employer required fitness for duty certification

**JURY DUTY** *reviewed 4/21/25*

An employee called to jury duty may be paid regular wages if said employee endorses all jury duty pay over to the college, except for reimbursement for mileage and subsistence.

## **DISABILITY LEAVE**

In order to give employees who need extended leave for reasons of illness or injury a reasonable time to recuperate and recover, the College is adopting the following policy:

If an employee's illness or injury requires a leave of absence for more than 12 weeks, the College may, with satisfactory medical evidence, extend an employee's leave for an additional 14 weeks, or a total of 26 weeks in an 18 month rolling period. The Company will grant the employee reinstatement to his/her job (assuming it has not been eliminated) at the end of the twenty-six week period, if the employee can continue to perform the job with or without reasonable accommodation.

The employee will be responsible for the total cost of the health insurance premiums on any health insurance coverage the employee or the employee's family is receiving through the College during this extended leave period, unless otherwise provided by law. Employees will not accrue paid time off while on Disability Leave.

While on Disability Leave, employees are required to report periodically to their supervisor, at least every thirty (30) days, regarding the status of their medical condition and their intent to return to work. Employees will be required to provide satisfactory medical evidence substantiating their need for continued leave.

If at the end of the Disability Leave, an employee is still not able to return to their job because they are unable to perform the job, either with or without reasonable accommodation, due to illness or injury, then the College may allow the employee to bid for any unfilled position that the employee is qualified for and capable of performing with or without accommodation. In all events, if an employee is unable to return to either their job or an unfilled position which they are qualified for and capable of performing, because of illness or injury for a period of twenty-six (26) weeks within an 18 month rolling period, the employee shall be separated from employment.

## **MILITARY LEAVE**

FSCC is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his/her rights under this policy.

In addition to the rights and benefits provided to employees taking Extended Military Leave (as described in this policy), eligible employees who must be absent from their job for a period of not more than ten working days each year in order to participate in temporary military duty are entitled to as many as ten days unpaid military leave. All benefits will continue during an employee's temporary military leave.

Employees directed to participate in extended military duties in the U.S. Armed Forces that exceed ten working days will be placed on an unpaid military leave of absence status for a period of as long as five years and will be entitled to the rights and benefits described below:

The employee will provide his/her supervisor with notice within 30 days of the leave, that the employee will be engaging in military service, including providing a copy of the orders directing the military duty unless the employee is prevented from doing so by military necessity. Failure to provide adequate notice may render the employee ineligible for the rights and benefits described in this policy.

The supervisor will notify the Human Resource Department of the request for leave and provide all information for the personnel file. An employee on extended military leave may elect to continue group health insurance covered for the employee and covered dependents under the same

terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can be covered under the terms of the health insurance provider. The Human Resource Department will collect any applicable insurance premiums from the employee prior to the leave.

Employees on temporary or extended leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

When the employee intends to return to work, he/she must notify the Human Resource department within a reasonable timeline. Upon the employee's reapplication for employment, the employee shall provide documentation for military discharge that establishes timeliness of the application for reemployment. If the employee does not return to work, the supervisor must notify Human Resources so that appropriate action may be taken.

#### **DRUG AND ALCOHOL TESTING - TRANSPORTATION**

All employees performing job functions which require the employee to maintain a commercial driver's license shall be tested for alcohol and drugs as required by current federal law. Regulations necessary to implement the testing program shall be on file. Each new employee who is required to undergo alcohol and drug testing shall be given a copy of the appropriate regulations. Compliance with the required elements of the testing program is a condition of employment.

#### **BLOODBORNE PATHOGENS**

The college has a policy for control of bloodborne pathogens, with provision for Hepatitis B (HBV) immunization of employees and student workers in high-risk categories and disposal of hazardous wastes as required by OSHA. Employees in high-risk areas will be expected to have immunizations at the expense of the college. A record of immunizations will be placed in the employee's personnel file. All new employees will receive a training program on bloodborne pathogens. Food service workers, custodial and maintenance personnel will receive a yearly in-service on bloodborne pathogens. The policy also provides for purchase of supplies and equipment to be used in specific areas for the protection of employees.

#### **HAZARDOUS WASTE DISPOSAL** *reviewed 2/17/25*

Hazardous wastes include, but are not limited to, wastes that are flammable, corrosive, infectious, highly reactive, or toxic. All hazardous wastes must be properly labeled and stored appropriately until they can be disposed of properly. Disposal of hazardous wastes shall be in accordance with state and federal laws, rules, and regulations. They shall be placed in an appropriate container affixed with a hazardous waste label that lists the specific contents. Unlabeled containers whose contents are undetermined which may contain hazardous substances shall not be put in trash containers.

#### **COMMUNICABLE DISEASES**

Whenever an employee has been diagnosed as having a communicable disease, each employee shall report the nature of the disease to the President so that a prior reporting may be made to the county or board of health as required by statute. An employee afflicted with a severe communicable disease dangerous to the public health shall be required to withdraw from active employment for the duration of the illness in order to give maximum health protection to other employees and students. The employee shall be allowed to return to his duties upon termination of the illness, as authorized by the employee's physician or by a health assessment team. No information regarding employees with severe communicable diseases will be released by college personnel without the employee's permission in accordance with state and federal statutes.





## **G. NEGOTIATIONS**

### **LEGAL STATUS**

This section on negotiations is confined to professional employees negotiating under the professional employees' negotiation law, KSA 72-5413 et. seq. The Board shall negotiate with instructors as provided by Board rules and regulations, except where such negotiation is covered by applicable law. Negotiations shall not exceed in scope the matters set forth under law.

### **GOALS AND OBJECTIVES**

Negotiating with instructors is for the purpose of improving the efficient operation of the college and enhancing the educational opportunities of the students.

### **BOARD RIGHTS AND DUTIES**

Except as provided law, none of the rights and duties of the Board shall be delegated in any manner to instructor organizations or instructors.

### **BOARD NEGOTIATING AGENTS**

The Board shall, from time to time for the purpose of negotiating, select as its agents those persons the Board feels will best represent the interest of the college.

### **MEETING PROCEDURES**

The Board may provide for the use of college time by its instructors' negotiating team for the purpose of negotiating. Time and location, time limits, quorum, and rules of order or procedure to be followed during negotiating sessions shall be agreed upon between the Board's team and the instructors' team. The Board's team shall keep reasonable detailed minutes and records of all negotiating sessions.

### **DISTRIBUTION OF INFORMATION**

Board distribution of information concerning negotiating sessions shall be discretionary with the Board. The Board shall furnish to the association any information as is a matter of public record in such form as the Board determines. The Board's team shall keep the Board fully advised at all times as to the status of negotiations. The Board shall, from time to time, report to the staff any information they deem advisable. The Board reserves the right to report to the press and public at any time any fact regarding negotiations. All preliminary agreements shall be immediately reported to the Board at either a special or regular Board meeting, or prior to such meeting at the discretion of the Board's chief negotiator.

## H. INSTRUCTIONAL PROGRAM

### PHILOSOPHY

An educator shall be accountable for using current professional knowledge and recognize basic dignities of all individuals with whom he interacts in the performance of his duties; exercise due care to protect the mental and physical safety of students, colleagues and subordinates for whom he is responsible; be accountable for maintaining his integrity and avoid accepting anything of substantial value offered by another which may influence his judgment or the performance of his duties; accurately represent his qualifications; present subject matter in a fair and accurate manner; extend to students the opportunity for individual action in pursuit of learning; and take steps to ensure that students all have access to varying points of view unless there is just cause to act otherwise.

### FACULTY QUALIFICATIONS *revised 3/2017, 12/16/24*

Fort Scott Community College employs qualified faculty members to support its mission and objectives, ensuring the provision of high-quality education and training for all students. Faculty are selected based on their academic credentials, professional experience, and commitment to fostering student success, aligning with the institution's dedication to academic excellence and career readiness. This policy applies to the hiring of all full-time, part-time, and adjunct faculty positions, including those in both academic (non-technical) and career and technical disciplines.

#### **Minimum Qualifications:**

FSCC follows the Higher Learning Commission's (HLC) Policy on Assumed Practices (CRRT.C.10.010) to determine acceptable faculty qualifications. Factors considered for faculty qualifications "may include, but are not limited to: the achievement of academic credentials, progress toward academic credentials, equivalent experience, or some combination thereof".

"Achievement of academic credentials means that an instructor possesses an academic degree relevant to what they are teaching and at least one level above the level at which they teach, except in programs for terminal degrees. In terminal degree programs, an instructor possesses the same level of degree. In the context of general education courses, or other non-occupational courses, achievement of academic credentials typically means that an instructor holds a master's degree or higher. Generally, this degree is in the discipline or subfield in which the instructor is teaching. If an instructor holds the degree in a discipline or subfield other than that in which they are teaching, the individual has completed a reasonable amount of coursework in the discipline or subfield in which they teach."

Faculty teaching in career and technical programs must meet instructional standards required by programs with national or state accreditations and align with industry credentialing and experience requirements. For individual courses, please refer to the faculty qualifications document. Exceptions can be made at the discretion of the Vice President of the Academic Affairs. If an exception is made, a written explanation must be noted on the faculty credential exception form and signed by the Division chair and Vice President of the Academic Affairs.

#### **Professional Development and Compliance:**

All faculty are expected to maintain compliance with credentialing requirements and participate in ongoing professional development, including activities that support teaching effectiveness and alignment with accreditation standards.

### CURRICULUM DEVELOPMENT

It shall be the policy of the college to encourage the instructional staff to cooperatively develop a comprehensive curriculum that encompasses a philosophy of education compatible with the needs of the student and the resources of the college. The instructional staff will evaluate the curriculum of the college in view of the college's goals and objectives on a periodic basis.

No program shall be eliminated or new program added without approval of the Board. The President shall have the responsibility to seek available resources for use by the instructional staff in the development of college-wide programs.

The procedure for curriculum development is:

1. The initiator submits appropriate material to his respective division chairperson.
2. The division chairperson reviews the material, suggests revision if necessary to the Vice President of Academic Affairs.
3. The dean or Vice President sends the proposal for recommendation to the curriculum committee where it is reviewed for cross-divisional implications. The curriculum committee makes its recommendations and forwards that recommendation to the Vice President of Academic Affairs who then adds the course to the master course list and then submits the master course list to the Kansas Board of Regents for final approval.

The curriculum committee is advisory in nature and reports its recommendations to the Vice President of Academic Affairs. Functions include:

1. Review and evaluate program/course proposals, modifications and deletions.
2. Review program degrees/certificates and courses for general education requirements.
3. Refine curriculum forms and procedures.
4. Appoint subcommittees as needed.
5. Review and update the college catalog.

## **RESOURCES AND MATERIALS**

The Board recommends that the instructional staff utilize available resources and develop materials which will aid in the development of a comprehensive curriculum to be approved by the Board. The Board encourages the President to continuously investigate the availability of funds to defray expenses incurred in the development of a college-wide program. The President is also encouraged to utilize students, personnel, and community and area resource personnel in a manner consistent with Board policies in the development of a comprehensive curriculum

## **RESEARCH AND PLANNING**

The President or designated representative shall develop a research and evaluation program that will provide the instructional staff and Board with data to be used in the development of curriculum areas. The use of research findings of their agencies, departments, other colleges and universities is encouraged by the Board.

## **CREDIT HOUR** *approved 5/22/17, revised 12/16/24*

### **Assignment of Credits, Program Length, and Tuition**

Fort Scott Community College offers the Associate in Arts, Associate in Science, Associate in General Studies, and Associate in Applied Science degrees. General requirements for graduation with an Associate degree include a minimum of 60 semester credit hours for the AA, AS, or AGS, and AAS (AAS degrees vary in required credit hours for completion).

A cumulative GPA of 2.0 or higher must also be maintained. Specific degree requirements can be found in the college catalog at <http://fortscott.edu/catalog> under "Graduation Requirements". Credit hour requirements for Program Certificates range from 16 credit hours to 45 credit hours. Specific certificate requirements can be found in the college catalog under "Certificate Requirements".

When allocating credit hours to courses and programs, Fort Scott Community College adopted the following policy based on the federal definition of a credit hour and the Kansas Board of Regents policy on approval of courses which award credit hours.

## **COURSE SYLLABUS**

The composition of a course syllabus is the responsibility of the instructor and division chairpersons. One copy should be presented to the Vice President of Academic Affairs and the second copy to the library. The function of the syllabus preparation is to aid instructors in crystallizing their plans for what to teach and how to teach it. The task should be approached positively with imagination and creativity. A copy of the syllabus will be furnished to each student on the first day of class.

## **CLASS ATTENDANCE**

Regular class attendance and participation in class activities is expected of all students. It is the responsibility of the student to make up class work missed for any reason, including college-sponsored activities. A student should not enroll in a class if the student knows that he or she will frequently be absent. At the first class meeting, the instructor will inform students, both orally and in writing, of the class requirements and attendance and grading policies. Attendance and grading policies must be approved by the Vice President of Academic Affairs and maintained on file with the course syllabi.

When attendance becomes so irregular that the student is in danger of not meeting the course objectives, the instructor will notify the Counseling Office and attempt to notify the student that an attendance problem exists. It is the specific responsibility of the student to meet the attendance requirements of the class. Failure to meet attendance requirements will adversely affect the student's grade and, consistent with the instructor's attendance policy, may result in the award of a grade of F. The student shall not expect or require that the instructor initiate a withdrawal on their behalf.

Absence from class may be authorized by the Dean of Students for a college-sponsored activity or to represent the college in an official capacity. A list of students and/or classes affected will be provided to all instructors at least one week prior to the absence. A list of students and/or classes affected will be provided to all instructors at least by the first day of the absence. The instructor will provide an opportunity to make up work missed during an absence that has been authorized by the Dean of Students. The instructor is not required to provide such an opportunity for other absences, but may do so. Whenever possible, work should be done in advance of the absence.

## **CLASSROOM DISCIPLINE**

Each instructor bears primary responsibility for maintaining proper control and discipline in the classroom. An instructor may use such reasonable force as is necessary to ward off an attack, to protect another person, to quell a disturbance threatening physical injury to others or to obtain possession of weapons or other dangerous objects in the possession or control of the student. All disciplinary actions and methods invoked by instructors shall be reasonable and just.

## **AUDITING A CLASS**

A student may audit any class offered by Fort Scott Community College by paying a fee equal to the amount normally charged for tuition. The student will not write exams and should not expect the instructor to mark any written work. The student will receive no grades, grade reports or indication of audit on his permanent record.

## **INDEPENDENT STUDY CLASSES**

The program of independent study classes is provided for students whose schedules make regular classroom attendance difficult, who require a course needed for graduation but not offered in the current schedule, or who wish elective study in areas not available through traditional class instruction. Students may enroll in independent study classes with the prior consent of their instructor and Vice President of Academic Affairs.

Students enrolling for independent study classes will be charged tuition at the rate charged for traditional instruction as follows:

1. The student interested in taking a course by independent study should first discuss the possibility with the faculty teaching the course.

2. Having the instructor's approval, the student would then go to the office of the Vice President of Academic Affairs to obtain the contract for the independent study class contract. The Vice President of Academic Affairs will initiate the contract by signature.
3. Student and faculty will discuss and agree on the objectives and required stipulations stated in the contract.
4. The student will then complete the form.

### **INSTRUCTIONAL RESOURCES**

The Maximized Individualized Learning Lab (MILL) facilities, located in the academic building above the learning resource center, are available to students and members of the community.

### **INSTRUCTIONAL SERVICES, RESOURCE PERSONNEL, AND COMMUNITY RESOURCES**

The Board encourages the use of instructional services and resource persons available to the college. Instructors, sponsors, and college administrators are expected to exercise judgment and investigate fully those who are being considered as resource speakers and inform the Vice President of Academic Affairs. The Board encourages the utilization of community resources in the instructional program of the college. A reasonable honorarium may be paid to community resource personnel if approved in advance by the appropriate dean or Vice President.

### **TEXTBOOK SELECTION AND ADOPTION**

It is the Board's policy to approve educational materials and equipment that support and enrich the curriculum and further achievement of the college's instructional goals. Selection of textbooks for use in the college shall be a cooperative effort of the instructor, the division chairperson and the Vice President of Academic Affairs. Textbook needs in various subject matter areas will be considered on a cyclical basis. Selection of textbooks, supplementary materials and reference books is carried on continuously in order to keep up with the expansion of knowledge and rapid changes going on in our world today. Insofar as possible, all textbooks should represent balanced views concerning the international, national and local issues and problems of our times. Requests for change of textbooks should be submitted to division chairpersons, and to the Vice President of Academic Affairs, meeting deadlines as set forth by the bookstore.

### **INSTRUCTIONAL MATERIALS AND PROFESSIONAL LIBRARY**

Instructors are encouraged to develop, use and maintain a relevant and up-to-date core of resource materials in the classroom. The Vice President of Academic Affairs will submit instructional materials budgets to the President each year at a time designated by the President.

The Vice President of Academic Affairs, in conjunction with the Director of Library Services, will ascertain the titles of professional magazines, books, pamphlets, and other such literature to be placed in the library of the college. A budget for the library shall be included in the instructional resource budget each year. All purchases will be made in accordance with Board policies. All orders for instructional materials other than textbooks, expendable materials, and film rentals (rental of videos from Greenbush are sent to the library and paid from the library budget) will be channeled through the Director of Library Services to the Vice President of Academic Affairs for approval, then to the Vice President of Finance and Operations of the college. Such materials would include all items to be catalogued and circulated, e.g., books, magazines, computer databases, video tapes and DVDs, etc. The Director of Library Services will assess the needs of the collection with the help and advice of instructors and with due consideration given to needs of the student. Final decisions as to the areas of emphasis in any given year will rest with the Director of Library Services and the Vice President of Academic Affairs. Instructors' professional advice will be solicited in making selections of materials. The Director of Library Services may order for that level or department from standard selection tools. Recommendations received from faculty, staff, students and patrons will be placed in a consideration file and will be reviewed to ascertain whether they meet selection criteria as set forth by the Board. The collection will be evaluated by the Director of Library Services or designated representative from the instruction office in relation to changing curriculum, new instructional methods, and current needs of teachers and students.

## **FIELD TRIPS AND EXCURSIONS**

Field trips and excursions are encouraged when a reasonable educational objective can be established. If an event requires fund-raising, the President shall approve the event in advance.

## **ASSEMBLIES**

The President may schedule assemblies as the needs of students and the college dictates. All faculty members are encouraged to dismiss classes for assemblies.

## **GRADES**

After a faculty member has reported a final semester grade to the registrar's office, that grade may not be changed except by faculty following procedures below:

1. Secure a change of grade request form from the Dean of Students or registrar
2. Complete the form, identifying the reason for change, and sign the form.
3. A copy of the grade change form will be retained by the registrar.

The Registrar will see that the change is made on the student's permanent record. The Dean of Students and registrar do not change a grade report except in instances where the instructor has initiated a change of grade.

## **CHALLENGES TO GRADE OR GRADING SYSTEM**

The college uses a uniform grading system that utilizes a system of letter grades and grade points. All grievances relative to grades come under the jurisdiction of the Vice President of Academic Affairs. Where appropriate, the dean may call for a review as described in the college catalog.

<u>Grades</u>	<u>Explanation</u>
A	Excellent – four grade points per credit hour
B	Good – three grade points per credit hour.
C	Average – two grade points per credit hour
D	Below average – one grade point per credit hour
F	Failure – no grade points
INC	Failure to meet objectives – grade points not computed
W	Withdrawn – grade points not computed
Cr/P	Credit/Pass – grade points not computed

## **WITHDRAWALS FROM CLASS**

Students who find it necessary to withdraw from a class or from college before the end of the fourteenth calendar week of the fall or spring semester or the fifth calendar week of the summer session can do so with a mark of W (withdrawal). Withdrawal will be interpreted as “no hours attempted, no hours completed, and no academic grade points credited.” All necessary drop forms must be completed by the student with the aid of his faculty advisor and the student personnel office. Failure to officially withdraw will result in an F in a course. Students are considered withdrawn from a class only after they have completed the appropriate process and not when they just stop attending classes. Refunds, if applicable, will be made according to the schedule posted by the Business Office.

## **INCOMPLETE WORK**

Students who have been making satisfactory progress during the first 14 weeks of the Fall or Spring semester or the first three weeks of a four week Summer session or the first five weeks of an eight week Summer session, but who can't complete all course requirements, may receive a grade of “INC” for incomplete work with instructor's approval.

An Incomplete Course Contract, available from the Registrar's Office, must be completed by the student and the instructor and approved by the Vice President of Academic Affairs. The completed course contract must stipulate the conditions that must be met by the student and the end date for completion of the work. Under no circumstances will the end date extend beyond 30 days from the end of the course. When the contract has been fulfilled to the satisfaction of the instructor, he/she will submit a completed Grade Change form to the Registrar's Office. The Incomplete mark will be removed from the student's transcript

and the proper letter grade will be recorded. The Registrar's Office will notify the student of his or her recorded grade.

If a student fails to complete the course requirements before the agreed-upon end date his or her grade in the class will revert to an "F". Please note that online courses are not eligible for incompletes.

## **GRADUATION**

Fort Scott Community College offers four types of two-year associate degree programs: Associate of Arts, Associate of Applied Science, Associate of Science and Associate of Science General Studies. These degrees and requirements are outlined in the current college catalog. The Board shall adopt all requirements for degree programs offered by the college.

Graduation exercises will be under the control and direction of the registrar. All students who have completed the requirements for graduation shall be entitled to participate in graduation exercises unless participation is denied for just cause as determined by the President. A graduation fee may be charged each graduating student.

## **TEACHING CONTROVERSIAL ISSUES**

The teaching staff is encouraged to keep abreast of current and innovative teaching methods. Experimentation is encouraged in the area of teaching methods. If education is to remain a viable force, controversial issues cannot be ignored. Good teaching techniques provide, however, that adequate preparation on the part of students and instructor take place before controversial issues are explored. Every controversy has two or more sides; it is therefore imperative that instructors ensure that all issues, facts, and questions regarding any controversial subject are thoroughly studied. Instructors should be aware that controversy may spring from the most innocuous beginnings and be prepared to the best of their ability. Included in the area of controversial subject are ideas, words, movies, still pictures, religion, books, socioeconomic aspects of life and political policies, theories and platforms.

## **TEACHING ABOUT RELIGION**

Instructors may teach about religious literature and history but are prohibited from criticizing, expounding or ridiculing a religion. The Bible may be used to teach about religion, but use of the Bible is prohibited if used to teach a particular religious doctrine other than as outlined above. Students and staff members may be excused from participating in practices contrary to their religious beliefs. No public funds will be spent by the Board in the form of wages or salary for any college employee to sponsor any religious activity or to pay expenses of any student or employee to attend any religious activity or conference. The use of religious symbols, such as a cross, menorah, crescent, Star of David, crèche, symbols of Native America religions or other symbols that are a part of a religious holiday, is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature. The college calendar should be prepared so as to minimize conflicts with religious holidays of all faiths. Emphasis on religious themes in the arts, literature, and history should be only as extensive as necessary for a balanced, thorough study of these areas. Such studies should not foster any particular religious tenets or demean any religious beliefs.



## **I. STUDENTS**

### **GOALS AND OBJECTIVES**

It shall be the policy of the Board to foster and encourage the development of procedures through which students may effectively be involved in establishing goals and objectives for their lives, insofar as these goals may be properly accomplished in the educational setting. All handbooks are adopted by reference as part of the policies.

### **EQUAL EDUCATIONAL OPPORTUNITIES**

All college personnel will be encouraged to utilize the suggestions of students in development and formulation of policies, rules and regulations that are directly related to student concerns. All administrators and instructors shall give a high priority to meeting individual student needs, in developing curriculum and activity program recommendations for consideration.

### **ACCIDENTS AND ILLNESSES** *updated 8/25/25*

Fort Scott Community College (FSCC) is committed to maintaining a safe and secure environment for students, faculty, staff, and visitors. In the event of an accident occurring on campus, it is essential that all incidents are properly reported and, when necessary, emergency personnel are contacted immediately.

#### **Procedure**

##### **1. Emergency Response**

- If an accident results in serious injury or poses an immediate danger, individuals should call **911** or contact campus security immediately.
- If medical attention is needed but is not an emergency, individuals should seek assistance from local medical providers or campus personnel.

##### **2. Accident Reporting**

- All accidents, regardless of severity, must be reported through the **FSCC Accident Report Form**, which is available online.
- The accident form should be completed as soon as possible by the individual involved, a witness, or an FSCC employee.
- Completed forms will be submitted to the appropriate FSCC office for review and record-keeping.

##### **3. Follow-Up and Documentation**

- The college administration will review accident reports and take appropriate follow-up actions as needed.
- If necessary, FSCC may conduct an internal review to address any safety concerns and implement preventive measures.

#### **Compliance**

Failure to report an accident may result in corrective action as deemed appropriate by FSCC administration.

### **COMMUNICABLE DISEASES**

Any student noted by a physician or a college health official as having a communicable disease may be required to withdraw from college for the duration of the illness to give maximum health protection to other students. The student will be re-admitted to regular classes upon termination of the illness, as authorized by the student's physician or a health assessment team. The college reserves the right to require a written statement from the student's physician indicating that the student is free from all symptoms of the disease. In each case involving a student with a severe communicable disease, the college shall reserve the right to make a final decision regarding the placement of the student after taking into account the risks and benefits to both the infected student and others in the proposed educational setting. The appropriate dean or Vice President, when notified that a student has a communicable disease, shall determine whether a release shall be obtained from the student's physician before the student reenters the school.

### **COORDINATION OF POLICIES BY ENFORCEMENT OFFICIAL** *updated 8/25/25*

#### **Investigation of Student Conduct**

Designated college officials, as appointed by the President, are authorized to investigate and question students regarding potential violations of college policies, the student conduct code, or other infractions. If there is reasonable belief that a criminal law has been violated, the administrator shall notify the appropriate law enforcement agency and may request further investigation into the alleged violation.

#### **Coordination with Law Enforcement**

College administrators may engage in periodic meetings with local law enforcement agencies to discuss policies and protocols related to law enforcement interactions with the college. Law enforcement officers shall not conduct investigations on campus during college hours unless an emergency situation necessitates immediate action. In such cases, the administrator must verify the identity of the officers and the justification for the investigation or questioning of a student. If the administrator determines that the identification or justification is insufficient, the request may be denied. The administrator shall make reasonable efforts to notify the President and the officer's superiors if a request is refused.

#### **Handling Criminal Violations**

Any information regarding criminal activity occurring on campus shall be reported to the appropriate law enforcement agency for further action.

#### **Law Enforcement Custody of Students**

College officials shall not voluntarily release students to law enforcement unless the student has been formally placed under arrest or taken into custody by law enforcement or another authorized agency. If a student is taken into custody on college premises without prior notification to college administration, the college staff present shall request that the law enforcement officer notify an administrator as soon as possible.

#### **Managing Campus Disturbances**

Law enforcement officers may be called upon to assist in managing disruptions on campus. If necessary, officers may take students or other individuals into custody to restore order and ensure the safety of the college community.

#### **EMERGENCY RESPONSE**

The President or designee shall develop a written plan for emergency drills and conduct briefings with staff concerning the emergency plan. Faculty members are expected to know and to instruct their classes as to proper response to an emergency. These regulations shall be posted in each building.

#### **EMPLOYMENT OF STUDENTS**

Students may be employed by the college for certain positions subject to budget limitations and personnel requirements.

#### **GIFTS**

A gift is defined as any donation, presents, or endowment in the form of cash, merchandise, or personal favor. Because of the potential for abuse, the giving or receiving of gifts between faculty or staff and students, individually or as a class, is discouraged. Students are discouraged from collecting money, allocating activity funds or purchasing gifts for faculty members. Student organizations, with prior approval of their sponsor and Dean of Students, may donate a portion of the organization's funds to the college for specific purposes enumerated by them.

#### **MANAGEMENT OF STUDENTS WITH ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS/HTLV-III)**

Medical research indicates that AIDS/HTLV-III cannot be transmitted through casual physical contact. The student infected with AIDS/HTLV-III presents a negligible risk of transmission to students or college personnel and thus does not affect their health and safety. For the same reason, college personnel infected with AIDS/HTLV-III, under ordinary circumstances, will not infect students or co-workers. Therefore, students infected with the virus should, in most instances, continue to attend classes and participate fully in programs and activities offered by Fort Scott Community College.

Removal of a student infected with AIDS/HTLV-III from the college setting is normally not justified. However, guidelines will be established in administrative regulations for case-by-case review process of any student known to have AIDS/HTLV-III. The Board grants the President authority to act based on the results of the review.

### **RECORDS**

**ADMINISTRATIVE RECORDS:** This classification includes official administrative records that constitute the minimum personal data necessary for operating the educational system. It includes birth date, sex, race, names, addresses, and places of employment of parents, academic work completed, grades, attendance records, withdrawal and reentry records, honors and activities, date of graduation and follow-up records. Administrative records shall be permanent records and will be maintained by the college for an indefinite period of time.

### **HEARING PROCEDURES FOR REVIEW OF EDUCATIONAL RECORDS**

When a hearing has been requested by a student for the purpose of challenging the content of the student's education record, the procedure to be followed in the hearing shall include the following: the hearing shall be conducted and the decision rendered by a person who does not have a direct interest in the hearing outcome; the student shall be given notice of the date, place, and time of the hearing within a reasonable time in advance of the hearing; the student may be assisted or represented by individuals of his choice at his own expense, including an attorney; the student shall be afforded a full and fair opportunity to present relevant evidence. The decision shall be rendered in writing within a reasonable time after the hearing concludes, and the decision of the college shall be based solely upon the evidence and reasons for the decision.

### **PUBLIC ACCESS TO STUDENT RECORDS**

Permission for access will be granted to a third party if the student requests it in writing. Unlawful use of names derived from public records does not apply to any public official or records custodian who grants access to public records in good faith to a person who has made a written request for access to the information and who has executed a written certification that the intended use is a proper one.

### **STUDENT RECORDS**

Student records are maintained to assist the professional staff in dealing with students as individuals. All student personnel records are to be treated as confidential and only for institutional use or as otherwise stipulated. Students will have an opportunity for a hearing to challenge the content of their school records to ensure that the records are not inaccurate, misleading or otherwise in violation of their privacy or other rights; to provide an opportunity for the correction or deletion of any data contained therein; and to insert into such records a written explanation of the content of such records.

Any student may inspect his/her personal records during regular college office hours. The college reserves the right to interpret selected records to students at the time of inspection. Student personnel record files shall include but shall not be limited to the following: administrative, supplemental and tentative record files. Information about students that is collected and stored by any college personnel shall be separated into one of these three classifications:

### **STUDENT RECORDS KEPT BY INSTRUCTORS**

Each employee is held responsible for the security of student files and records under his/her custody against inspection or copying by unauthorized individuals. Student records kept by instructional staff will be kept in a secure place. Records kept by instructional staff shall not be made available to the public, other students, or employees of the college unless the records are the subject of a legitimate discussion by instructional staff in performance of their duty.

**SUPPLEMENTARY RECORDS:** This classification includes verified information that is important in operating the education system but is of a more sensitive nature and of less historical importance. It includes test data, such as scores on standardized achievement, aptitude and intelligence tests; observational data such as systematically gathered teacher or counselor evaluations and observations of social and personal assets; general data such as health data, family background information and educational and

vocational plans. When the student graduates, supplementary records shall be destroyed or transferred to administrative records if they have permanent usefulness.

**TENTATIVE RECORDS:** This classification includes useful information that has not been verified or is not clearly needed beyond the immediate present. It includes unevaluated reports of instructors or counselors that may be needed in ongoing counseling or disciplinary actions. Tentative records shall be destroyed when their use is ended. However tentative records may be placed in the supplementary classification if the continuing usefulness of the information is demonstrated and its validity verified.

The general public does not have the right to inspect a student's personal record file. The Registrar may make certain directory information available. Directory information includes the following information: student name, hometown, year of birth, full or part-time status, classification, dates of attendance, major field of study, awards received, photograph, degree/certificate granted and date granted, sports weight/height of athletic team members, and/or participation in officially recognized activities/sports.

The Registrar may disclose student education records to the following persons without prior consent: other school officials, including instructors within the college who have legitimate educational interest; authorized persons to whom a student has applied for or from whom a student has received financial aid; state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statutes adopted prior to November 19, 1974, and appropriate persons if knowledge of any information is necessary to protect the health or safety of the student or other persons in emergency.

#### **SEARCHES OF DORM ROOMS AND STUDENTS** *updated 8/25/25*

Searches of dorm rooms and students shall be conducted in accordance with institutional guidelines found in the Housing Handbook. No law enforcement officer may search any dorm room without a search warrant unless he has the consent of the President or designee and is accompanied by the President or designated representative. If a law enforcement officer wishes to search a student's dorm room, and he has a warrant for such search, the President or a designated representative shall immediately take such person to the student's dorm room and permit him to search the room.

#### **SOLICITATIONS BY OUTSIDE ENTITIES AND BY STUDENTS**

Except as approved by the Dean of Students, commercial firms shall not be permitted to solicit students during school hours within college buildings or on college grounds. Commercial schools, other colleges or other agencies shall be permitted to meet with students or solicit prospective students only when invitation and arrangements are approved by college administration. Solicitation by students for any cause is prohibited except as approved by the Dean of Students and as relates to college-sponsored activities. This policy includes sale of advertising, magazines, and merchandise.

#### **STUDENT ORGANIZATIONS AND ACTIVITIES**

The college encourages students to broaden their knowledge and citizenship by the formation of clubs and other groups. These clubs or groups should be organized to promote or pursue specialized activities outside the regular classroom environment. Membership is open to all interested and eligible students, subject to approval of the Dean of Students. A member of the college shall attend the meetings or activities as an official advisor or sponsor. College-designated representatives are expected to approve any activities scheduled by the officers of that group in accordance with the rules and regulations established by the Dean of Students. Clubs shall operate for the welfare, and in the best interests, of the students and college personnel. Non-college clubs may not conduct activities on college property without prior permission from the Dean of Students.

#### **STUDENT SAFETY IN CLASSROOMS AND SCHOOL VEHICLES**

The college will endeavor to provide a safe environment for students while in college attendance or in college-sponsored activities. The Dean of Students together with the staff will develop and determine the necessary rules and regulations relative to student safety. Any student who uses college-provided transportation will be under the jurisdiction of a college-designated representative while in the vehicle. Those instructors who teach in hazardous curriculum areas such as physical education, shop or science

laboratories will teach the safety rules inherent in the particular subject matter. Appropriate safety signs, slogans or other safety items are to be posted on or in the near vicinity of potentially dangerous devices or machinery.

#### **STUDENT SOCIAL EVENTS** *updated 8/25/25*

Student social events such as dances and parties contribute an important element in the development of the individual. All such events must have prior approval of the Dean of Students and the faculty sponsor of the club or class sponsoring the event. Every college-sponsored activity held during school hours or after school hours will have at least one college-designated representative in attendance that shall have general supervisory responsibilities over the student group.

Disorder and disruption of college activities will not be tolerated, and persons attempting to endanger the safety of students, college personnel or other adults, to damage college property, to interfere with college activities or the educational process, will be asked to leave the premises.

The college administration and staff are responsible for handling any problem. The final decision for determining if assistance is needed is the responsibility of the college administrator. In the absence of the administrator, the determination shall be made by the assistant administrator or person designated to be in charge of the activity. The president shall be notified of any serious problem at the college.

#### **STUDENT WELFARE**

The college will endeavor to provide a suitable environment conducive to the general health, safety and welfare of each student in college attendance and in college-sponsored activities. The President and staff shall develop and enforce the necessary rules and regulations relating to student welfare.

#### **SUSPENSION AND EXPULSION**

The Board extends its authority to suspend and expel any student as authorized by the law to the President or the Dean of Students. The Board includes the college catalog as policy by reference in this area. All grievances relative to student conduct come under the jurisdiction of the Dean of Students.

#### **STUDENT CONDUCT** *updated 8/25/25*

All student behavior shall be based upon respect and consideration for the rights of others. Students shall be responsible for knowing, and abiding by, the rules and regulations of the college. The college assumes that all students are able and willing to maintain standards of self-discipline appropriate to membership in a college community. A rigid code of conduct is purposely omitted in order to establish confidence in this assumption. The college reserves the right to take disciplinary measures in the best interest of FSCC. Discipline is the responsibility of the Dean of Students. Cases involving minor infractions of normal discipline are handled by the Disciplinary Review Board. Disciplinary action will be initiated when a student's behavior/action is determined to be dangerous to that individual's health/well being, infringement on others' rights, damage to college property, or any other situation which reflects negatively on the college community, programs, organizations, or activities. The college reserves the right to dismiss a student whose conduct is at any time unsatisfactory in the judgment of college officials. Conflicts with rules/regulations governing the following areas place a student in violation, and subject to discipline of the Student Code of Conduct. Students should refer to the Student Handbook for specific offenses that violate the student conduct expectations.

#### **ANTI-HAZING POLICY** *approved 4/21/25*

In accordance with the **Stop Campus Hazing Act (Public Law No: 118-173)** and **Kansas Statute 21-5418**, Fort Scott Community College (FSCC) strictly prohibits all forms of hazing. Hazing is a violation of FSCC's Student Code of Conduct, and core institutional values. It has no place in any aspect of student life or campus activities.

#### **Definition of Hazing (Kansas Law 21-5418)**

Hazing is defined as recklessly coercing, demanding, or encouraging another person to perform an act—particularly as a condition of membership in a group or organization—that could reasonably be expected to result in bodily harm, disfigurement, or death. Even if no injury occurs, if an act is performed in a manner that could foreseeably cause such harm, it is considered hazing.

Hazing is classified as a **Class B nonperson misdemeanor** under Kansas law.

### **Hazing Prohibited at FSCC**

At Fort Scott Community College, hazing includes, but is not limited to, the following behaviors:

- **Physical Hazing:** Any act involving physical violence or force, such as whipping, beating, branding, forced physical activity, exposure to extreme elements, or forced consumption of substances (e.g., food, alcohol, drugs) that may harm health or safety.
- **Mental and Emotional Hazing:** Behaviors that cause psychological distress, such as humiliation, ridicule, verbal abuse, forced exclusion from social contact, degrading stunts, or activities that cause extreme embarrassment or emotional harm.
- **Endangerment or Illegal Acts:** Forcing or pressuring someone to participate in illegal acts, destruction of property, or activities that could cause physical or emotional trauma.

### **Examples of Hazing Include (but are not limited to):**

- Requiring someone to drink excessive amounts of any substance.
- Forcing sleep deprivation.
- Pressuring individuals to perform humiliating or degrading acts.
- Recklessly engaging in activities that could result in injury.
- Acts of discrimination or harassment based on identity or personal condition.

### **Reporting Hazing at FSCC**

If you believe you or someone else has been subjected to hazing, please report it immediately. You may contact:

- **Campus Security:** (620) 253-0434
- **Dean of Students / Title IX Coordinator:** 620.223.2700 ext. 3500
- **Online:** Submit a confidential report using the FSCC Incident Report Form – <https://fortscott.edu/incident-report/>

All reports are taken seriously and will be investigated promptly. Retaliation against individuals who report hazing is strictly prohibited and may result in disciplinary action.

### **Consequences**

Students or organizations found responsible for hazing will face disciplinary action, up to and including suspension or expulsion from Fort Scott Community College, in accordance with FSCC's Student Code of Conduct.

### **Federal Compliance: Stop Campus Hazing Act**

Fort Scott Community College complies with all requirements of the **Stop Campus Hazing Act**, including:

- **Annual Security Report Disclosure:** FSCC will publicly report all confirmed hazing incidents that are reported to campus authorities or law enforcement.
- **Policy Transparency:** FSCC includes comprehensive anti-hazing policies, prevention strategies, and incident reporting procedures in its Annual Security Report.
- **Prevention and Awareness:** FSCC implements education programs to prevent hazing and promote a safe, inclusive campus culture.
- **Hazing Transparency Report:** FSCC will publish a summary of hazing violations involving student organizations, when applicable.

### **Our Commitment**

Fort Scott Community College is committed to fostering a safe, respectful, and inclusive environment. Hazing undermines trust, safety, and personal dignity, and it will not be tolerated in any form. Together, we can build a campus community where all students are welcomed and supported without fear or harm.

**ATHLETIC SUBSTANCE ABUSE** *approved 8/26/24, revised 11/18/24*

The substance abuse program of the Fort Scott Community College Department of Athletics is designed to satisfy the specific needs of student-athletes relative to awareness and knowledge of substance abuse. The program has the following components:

1. Drugs and alcohol
2. Types of drugs
3. Common drugs
4. Types of alcoholic beverages
5. Health consequences of drug use
6. Health consequences of alcohol use
7. Drug use
8. Effects of alcohol
9. Drug abuse
10. Alcohol abuse
11. Alcoholism
12. Addiction
13. Drug laws
14. Alcohol laws
15. Positive changes
16. Lapse and relapse prevention
17. Resources and references

The Department of Athletics recognizes several benefits for the institution and for the student-athletes which may be derived from this substance abuse program. Those benefits are:

1. Fort Scott Community College is required to set standards to comply with The Drug-Free Schools Act Amendments of 1989. This substance abuse program strengthens FSCC's compliance statement about substance abuse.
2. FSCC student-athletes will be educated as to the risks and dangers involved in substance abuse.
3. The program will act as a prevention of substance use and/or abuse by FSCC student-athletes.
4. The program will be used to identify student-athletes in need of counseling services for substance abuse and assist such student-athletes in obtaining the needed service.
5. The program will support the positive local and regional image that FSCC is concerned about and willing to address substance abuse.
  - The Head Athletic Trainer will meet with all student-athletes at the beginning of each semester to educate each student-athlete on our FSCC policies and procedures. They will also give an overview of smart choices and the effects of drugs on sports performance.
  - A student-athlete found in violation of the College's drug policy must complete a drug awareness course. The student-athlete must complete the online four- hour course, monitored by the Dean of Students, within 15 days of the date the penalty is issued. The cost of the course is \$25 which will be paid by the student-athlete. If the resident/student-athlete fails to complete the course within the time limit, the student-athlete is subject to disciplinary action up to and including expulsion from the College and/or removal from campus housing.
  - Compliance with this substance abuse program is mandatory for all student- athletes who wish to participate in intercollegiate athletics at Fort Scott Community College. Student-athletes will not be allowed to participate until a signed participation agreement form is on file with the Head Trainer. The conditions of this policy start when that form is signed and continue throughout one full year of the athlete's eligibility and participation at Fort Scott Community College.

**A. Substances of Consideration:**

1. Alcohol

2. Amphetamines
3. Barbiturates
4. Benzodiazepines (valium, etc.)
5. Cocaine
6. Opiates (Heroin, Morphine, etc.)
7. THC (marijuana)
8. Any controlled substance as determined by the head athletic trainer

## **B. Methodology**

- Random Sampling: Student-Athlete names will be randomly selected using lists of scholarship student-athletes. This list will include redshirts as well as injured student-athletes who are on scholarship. The randomly selected student-athletes will be given to the Athletic Director and Head Coach to contact for testing. The list will also go to the Head Athletic Trainer.
- FSCC student-athletes may be selected for substance abuse screening at any time, upon reasonable suspicion of a problem. Selection will be at the request of the Athletic Director, the Head Coach, the Head Athletic Trainer, or the Dean of Students. Documentation of the suspicion will be submitted to the Athletic Director in either soft or hard copy format. Reasonable suspicion must be based on specific contemporaneous, articulate observation concerning; Appearance, behavior, speech, odorous breath or body odors of the student-athlete. Further indications include but are not limited to:
  1. Rapid reduced quality of academic or athletic performance
  2. Patterns of unexcused absences from academic classes or athletic meetings
  3. Sudden inability to have a good relationship with others; excessive withdrawal or isolation
  4. Frequent tardiness to academic classes or athletic meetings
  5. Decreased manual dexterity
  6. Impaired short-termed memory
  7. Periods of unusual hyperactivity, irritability, or drowsiness
  8. Presence or possession of illegal or controlled drugs or drug related paraphernalia by a student-athlete
- The screening will be provided and conducted by FSCC within the training room area.
- Refusing to participate in the screening process includes failing to appear at the prescribed screening time and/or failing to provide a urine specimen when there is no medical reason that a specimen cannot be provided.

## **C. Testing Procedures – Random & Reasonable Suspicion**

- The Dean of Students will contact Head Athletic Trainer regarding random testing date/dates and provide a list of student-athletes for testing. Documentation for reasonable suspicion testing will be provided to the Head Athletic Trainer and Athletic Director for testing.
- Upon being notified: the Head Coach and Athletic Director will exhaust all measures of contacting the necessary student-athlete(s) for testing (i.e. finding athlete in class, contacting athlete in dorm room, calling the athlete. Once the Head Coach and the Athletic Director locates and communicates to the athlete, either in person or by electronic communication, and informs him/her that they are to report to the Training Room for testing, the student-athlete must immediately comply with the request.



- The student-athlete will have two (2) hours to report to the Athletic Training Room.
- If the student-athlete does not show up or comply, this will constitute a 1st positive test. The student-athlete is encouraged to arrive 10-15 minutes early for drug testing in the Athletic Training Room.
- The Athletic Training Room will shut down all operations during drug testing. The Training Room door will shut promptly at the beginning of drug testing. Once the door shuts, nobody can come in. No exceptions. If the student-athlete is late and arrives after the door is closed, it will constitute a 1st positive test.
- The testing will be conducted by FSCC Athletic Training staff and will be an observed test. This means that the student-athlete will be monitored by a staff member of the same gender and the staff member will watch the urine leave the body of the student-athlete directly into the collection cup. This helps aid any sample alteration and makes sure no other devices are used to alter the sample.
- After drug testing begins, each student-athlete will have 1-hour to produce a valid 30 mL sample. If one is over hydrated, it will not read, and the 1-hour clock will restart.
- Tampering with a test in any form will result in a positive test. Do not shake your sample.

#### **D. Sanctions for positive test or refusal to be screened**

- 1st refusal to participate - Immediate suspension from intercollegiate athletics (practice and games) for 14 days. The student-athlete will have 24 hours to report to the Athletic Training office for screening. Failure to do so will be constituted as the 2nd refusal to participate.
- 2nd refusal to participate – Permanent and immediate suspension from Fort Scott Community College intercollegiate athletics. No further athletic aid will be given to the student-athlete from the date of the second refusal.
- **First Positive Test**
  - Upon notification by the provider of a positive test, the head trainer will notify the student-athlete, athletic director, and head coach of the positive test result. As a result of the positive test, the student-athlete will immediately be suspended from intercollegiate athletics (practice and games) for a term of 14 days.
  - The student-athlete must complete the online four-hour course, monitored by the Dean of Students, within 15 days of the date the penalty is issued. The cost of the course is \$25 which will be paid by the student-athlete.
  - Student-athletes that have tested positive will be re-screened at the end of a 30-day period and must test clean in order to come off suspension.
  - Upon a positive test, the required retest at the end of the 30-day period will include a \$20 fee charged to the student's account to cover the cost of the test.
- **Second Positive Test**
  - The head trainer will notify the student-athlete, the athletic director, and the head coach of a second positive test. At any time during a student- athlete's period of eligibility of participation in intercollegiate athletics at Fort Scott Community College a second positive test will result in a 30- day suspension.

- The student-athlete must again, complete the online four-hour course, monitored by the Dean of Students, within 15 days of the date the penalty is issued. The cost of the course is \$25 which will be paid by the student-athlete.
  - Student-athletes that have tested positive will be re-screened at the end of the 30-day period and must test clean in order to come off suspension.
- **Third Positive Test**
    - A third positive test results in immediate and permanent suspension from participation in Fort Scott Community College intercollegiate athletics. Also, no further athletic financial aid will be given to the student-athlete from the date of the third positive test.

## **COLLEGE DISCIPLINARY PROCESS**

The rights of each individual at Fort Scott Community College deserve the respect and protection of administrators, faculty and staff. To assure fair treatment of each individual, rules of disciplinary process have been developed and are in effect. The main objectives of the disciplinary process are to protect members of the campus community from harm due to the indiscretion of those on campus who are unable to unwilling to respect the rights of others, and to assure students due process if they have been charged with violating college rules and regulations. Misconduct is considered a matter of concern to administrators, faculty, staff and students alike. Reports of misconduct are usually made to the Dean of Students to investigate and determine appropriate action.

## **IMPLEMENTATION OF DISCIPLINARY PROCESS**

The Dean of Student Services will review with the student the nature of the complaint and the relevant evidence and testimony. When the investigations have been completed, the dean will take appropriate disciplinary action or refer the case to the College Disciplinary Review Board.

## **DISCIPLINARY APPEALS PROCEDURES**

If the appropriate action taken by the Dean of Student Services calls for the student to be expelled or penalized, the student will be informed in writing. A student may appeal the decision of the dean. This appeal must be submitted, in writing, to the Dean of Student Services within three (3) business days after the original decision has been made. The dean will inform the College Disciplinary Review Board, in writing, within three (3) business days of receiving written notice of the appeal from the student. An appeal hearing will be conducted within seven (7) business days following notice to the College Disciplinary Review Board.

All appeal hearings are private to best insure justice and to discourage delay. The appeal is a review of the record from the original decision. If evidence, which was unavailable at the time of the original decision is discovered, it will also be considered. The student requesting the appeal must be present on the hearing date as set in the letter to the student. Failure to be present as scheduled waives the student's right to appeal.

## **COLLEGE DISCIPLINARY REVIEW**

The College Disciplinary Review Board shall hear the appeal after being informed in writing by the Dean of Student Services that the disciplinary action has been appealed by said student. This Board is composed of three professional staff members (appointed by the Faculty Senate) and three full-time students (appointed by the President's Ambassadors organization). At this appeal hearing, the Chair of the Board shall give both the student and the Dean of Student Services, or his/her designee, an opportunity to testify. Both may bring witnesses to the hearing. The number of witnesses will be limited to five (5) unless prior approval is granted by the Dean of Student Services. Each witness will be afforded a maximum of five (5)

minutes of testimony. After the witnesses have been heard, members of the College Disciplinary Review Board may ask questions of the student who has had disciplinary action taken against him/her, the dean or his/her designee, or the witnesses who have testified. The College Disciplinary Review Board shall decide to uphold the decision of the Dean of Student Services, or his/her designee, or to recommend that the action be modified. The student or the dean, or his/her designee, may appeal the decision of the College Disciplinary Review Board. This request for an appeal must be made in writing to the College President within three (3) business days after the College Disciplinary Review Board has made its decision. The College President shall hear the appeal within seven (7) business days and render a written decision to all parties. The decision of the President is final.

### **THE STUDENT AND ACADEMIC DECISIONS**

Academic decisions are made by faculty members, division chairs and deans. If a student believes that an academic decision is unfair, he/she may meet with the above personnel who will review the student's complaint and render a final decision.

### **ACADEMIC ETHICS**

FSCC assumes that all students are enrolled to learn, and expects each individual to function as an ethical student. Integrity in the classroom is expected. Therefore, any cheating is at variance with the purposes of both the student and the institution. Any student dishonesty detected in a course (including during examinations or in submitting plagiarized materials) may result in the student receiving no credit for the examination, written work or quiz, and may result in an F grade, suspension and/or dismissal from the course. A violation of academic integrity includes:

1. Cheating on examinations, written quizzes, and other written work.
2. Plagiarism, which is defined as the use of another's written work without recognition/citation, the use of another student's work, the purchase and/or use of a paper that has already been prepared, the borrowing of an idea or phrase or the paraphrasing and/or summarizing of an idea without proper documentation.
3. Giving assistance to another person during an examination.
4. Falsification of an academic record.
5. Obtaining or attempting to obtain copies of an uncirculated examination or examination questions.

### **ACADEMIC DISHONESTY POLICY**

This policy pertains to all FSCC classes and does not affect any action taken by the instructor of the class. The instructor retains the right to take the action he or she deems appropriate to the specific case including but not confined to the following:

- Discussing the violation with the student
  - Failing the student for the specific assignment in question
  - Failing the student for the class. If the instructor decides to fail the student for the course, the student will receive an F grade on his or her transcript. The instructor also has the following options regardless of the actions already taken:
1. The instructor can notify the appropriate Division Chair or Dean that academic dishonesty has occurred. The notification will include the following information:
    - a. Name and ID number of the student or students involved
    - b. Proof that academic dishonesty has occurred
    - c. A description of any action already taken by the instructor
  2. Once the Division Chair or Dean has received this information, he/she will notify the student's advisor and any sponsors or coaches with whom the student is associated of the breach in academic integrity. The Division Chair or Dean will also notify the student by mail that a second occurrence will result in a recommendation of dismissal from the college to the Vice President of Academic Affairs.
  3. The Division Chair or Dean will maintain a file, listing students whose names have been turned in for academic dishonesty.
  4. Should the student be dismissed from the college for academic dishonesty, the student retains the right of pursuing an appeal to the decision as described in the college catalog.

## **COPYRIGHT POLICY** *approved 8/25/25*

Fort Scott Community College takes copyright protection very seriously. Many scholars, musicians, and performers rely on copyright to protect their intellectual property. The following information explains what copyright infringement is, what the consequences of copyright infringement are, and the policy for those who illegally access music, TV shows, or movies. This information is not intended to be a comprehensive treatment of copyright laws; it is intended to provide basic information to help you avoid copyright infringement.

Fort Scott Community College prohibits the use of its network resources (i.e., internet/WiFi) to conduct inappropriate and/or illegal activity. The College complies with applicable federal and state laws and requires that network account holders do the same in accordance with FSCC's Policy on Computer and Internet Acceptable Use. Alleged violations of the Computer and Internet Acceptable Use Policy shall be subject to disciplinary due process. Unauthorized or improper use will lead to the possible revocation of the user's access, and the College may also require restitution for any use which is in violation of the usage guidelines. Fort Scott Community College will pursue criminal and civil prosecution of violators when appropriate.

### **What is Copyright Infringement?**

Copyright holders are granted exclusive rights under section 106 of the Copyright Act (Title 17 of the United States Code) including the right to reproduce, distribute, display, or perform the copyrighted work or to make a derivative work. Copyright infringement is the act of using works protected by copyright law without permission or legal authority. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without permission or the authority to do so constitutes an infringement.

### **Penalties**

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorney fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).

## **NON-ACADEMIC APPEALS PROCESS**

Any FSCC student has the right to appeal what is perceived to be an unfair practice without fear or reprisal, abuse or other form of discouragement by the staff, faculty or administration. Such unfair practice may be registered by the student informally as an oral complaint (a recommended first step), or officially filed in writing. The College encourages the resolution of all complaints through the most informal means and at the lowest possible administrative level. Whenever a complaint is made directly to the Board of Trustees as a whole or to a Board member as an individual, it will be referred to the administration for study and possible resolution. This appeals procedure is designed for issues other than academic or disciplinary actions (previously addressed in this catalog). This process procedure provides students with protection against unwarranted infringement of their rights. Such appeals may concern alleged violations of college policies, infringement of students' rights and problems dealing with other students, college staff and faculty or college activities. The following procedures should be adhered to in order to ensure an appropriate resolution of a student complaint:

1. The student should attempt to rectify the grievance with the supervisor of the area in which the alleged violation occurred. After consulting with the appropriate supervisor and attempting to resolve the grievance through informal discussions, the supervisor will inform the student in writing, of any decision made and the reason for that decision.
2. If the student feels that the complaint has not been satisfactorily resolved, he/she may submit a written appeal to the Dean of Students and request a conference. The Dean will inform the student, in writing, of any decision made and the reason for making that decision.

3. If the student still feels that the complaint has not been satisfactorily resolved, he/she may submit a written grievance to the President for review. The decision of the President is final. Students concerned with the grievance procedure, after exhausting the college's appeal procedure, may contact the Kansas Board of Regents, 700 SW Harrison, Suite 1410, Topeka, KS 66603-3760, telephone (785) 296-2635, fax (785) 296-3523 for further clarification.

## **J. PUBLIC RELATIONS**

### **POLICY**

Educational Public Relations is a planned and systematic two-way process of communication between a college and its internal and external publics, serving to stimulate a better understanding of the roles, objectives, accomplishments and need of the organization. To that end, information about any aspect of Fort Scott Community College including personnel, activities and programs will only be provided to the public through the Director of Public Relations, under the direction of the college President.

### **PROCEDURES**

#### **NEWS**

The College is committed to keeping the community informed about college functions and soliciting patron involvement in these functions as appropriate. FSCC will cooperate fully with all sanctioned news media representatives so that the public may be fully informed about the operation of the college. All information concerning college events and programs, or advertisements, shall be released through the Director of Public Relations.

1. Faculty, staff and students should submit information about activities, events and programs for news releases at least 5 days in advance (except for emergencies) to the PR Director. News items should be sent through the college's online form on the FSCC website.
2. The PR office will send a copy of the news release to the requestor prior to submission to the media. Any changes or additions may be made at that time.

### **SPORTS AND SPECIAL EVENTS COVERAGE**

Members of the working press with proper credentials will be admitted free of charge to all extracurricular activities of the college and given appropriate space to cover the event. Permission must be obtained for broadcasting and/or taping such events through the Director of Public Relations.

### **PHOTOGRAPHY**

1. The PR Office must be notified in advance of an upcoming FSCC event and given proper instructions as to what photos are to be taken.
2. The PR Office will make every effort to supply a camera and a photographer for high-profile events.
3. If a photographer is not available, a camera is on hand for check out. The person checking out the camera is responsible for its safe-keeping and prompt return.

### **COLLEGE ADVERTISING**

All major publications and advertising promoting the college shall be handled by the PR Office. This does not include position announcements or items for on-campus distribution.

1. The PR Director will have discretion over paid advertising requests.

2. Staff should submit an advertising request at least 7 days in advance (except for emergencies) to the PR Director. Requests should be sent through the college's online form on the FSCC website.
3. The PR office will send a copy of the advertisement to the requestor prior to submission to the media. Any changes or additions may be made at that time.

#### **EXTERNAL ADVERTISING REQUESTS**

Ads concerning firearms, drugs or other controlled substances are prohibited in any college-sponsored publications or elsewhere on campus.

Advertising for commercial purposes is not allowed unless permission is obtained from the appropriate administrative office.

Advertising for political candidates or parties is not allowed unless permission is obtained from the appropriate administrative office.

1. Advertising requests shall be put in writing and taken to the Public Relations Office in advance of the event or activity advertised.
2. The PR Office will contact the appropriate department for consideration.
3. The PR Office will notify the requestor of the decision.

#### **EXTERNAL INFORMATION REQUESTS**

1. No mailing lists of students or employees of the college shall be given to individuals, organizations or vendors without approval of the appropriate administrative office. Requests should be handled through the PR Office.
2. External organizations wishing to distribute any type of materials to students or staff must have permission of the appropriate administrative office. Requests should be handled through the PR Office.
3. Solicitation requests shall be put in writing and taken to the Public Relations Office in advance.

#### **FSCC LOGO**

All materials for internal or external use, which bears logo of Fort Scott Community College shall be directed through the Department of Public Relations for design approval.

### **K. INTERORGANIZATIONAL PARTNERSHIPS**

#### **COLLEGE-COMMUNITY COLLABORATION**

The Board seeks to foster an atmosphere of cooperation between the college and all community groups and organizations.

The Board will consider the establishment of programs sponsored jointly by the college and community groups or organizations whenever in the judgment of the Board such programs cannot or should not be wholly under the control of the Board.

