

**NEOSHO COUNTY COMMUNITY COLLEGE
BOARD OF TRUSTEES**

AGENDA

**November 8, 2016 – 5:30 P.M.
Student Union – Room 209**

- I. Call to Order**
- II. Roll Call**
- III. Public Comment**
- IV. Approval of the Agenda**
- V. Consent Agenda**
 - A. Minutes from October 11, 2016
 - B. Claims for Disbursement for October 2016
 - C. Course Inventory Revisions/Additions
 - D. Personnel
- VI. Reports**
 - A. Faculty Senate – Rita Drybread
 - B. Strategic Plan – Dr. Inbody
 - C. Treasurer – Sandi Solander
 - D. President – Dr. Brian Inbody
- VII. Old Business**
- VIII. New Business**
 - A. First Reading: Sexual Misconduct and Related Policies Recommendation
 - B. Executive Session: Non-elected Personnel
- IX. Adjournment**

**NEOSHO COUNTY COMMUNITY COLLEGE
BOARD OF TRUSTEES**

MINUTES

**November 8, 2016 – 5:30 P.M.
Student Union – Room 209**

I. CALL TO ORDER

David Peter called the meeting to order at approximately 5:30 p.m. in Room 209 of the Student Union.

II. ROLL CALL

The following members were present: Charles Boaz, Lori Kiblinger, David Peter, Dennis Peters and Jenny Westerman.

Also in attendance were Kerrie Coomes, Rita Drybread, Denise Gilmore, Marie Gardner, Dr. Brian Inbody, Brenda Krumm, Kent Pringle, Kerry Ranabargar, Sarah Robb, Mike Saddler, Ben Smith, and The Chanute Tribune.

III. PUBLIC COMMENT

There were no speakers.

Lori Kiblinger said that she would not be able to attend the Board Retreat scheduled for November 15. It was decided to move it to December 1 at 5:30 pm. Dr. Inbody will check with Kevin Berthot to make sure he doesn't have a conflict.

IV. APPROVAL OF THE AGENDA

On motion by Dennis Peters and second by Charles Boaz the agenda was approved as presented.

V. CONSENT AGENDA

On motion by Dennis Peters and second by Jenny Westerman the following items were approved by consent:

A. Minutes from October 11, 2016

B. Claims for Disbursement for October 2016

C. Course Inventory Revisions/Additions

Before each semester begins, the Kansas Board of Regents asks coordinated institutions to submit a list of courses that the college is capable of teaching in that semester, but is not compelled to offer. This list of courses is referred to as the course inventory. Each change to the inventory must be approved by the academic department where it originated, the curriculum committee, the Chief Academic Officer, the President of the College and finally, the College Board of Trustees, as per NCCC policy.

Course Inventory Changes November 2016 Board Meeting

New Course

MGMK 230 Business Finance, 3 credit hours (syllabus attached as separate document)

Course Prefix Change

PSYC 100 First Year Seminar, 1 credit hour, to CURR 100, 1 credit hour

Course Reactivation

ACCT 111 Individual Income Tax, 3 credit hours (syllabus attached as separate document)

Course Credit Hours Change

OTA 212 Management and Legal Issues in Occupational Therapy, 3 credit hours, to
Management and Legal Issues in Occupational Therapy, 2 credit hours

OTA 213 Pediatric Practice for OTA, 1 credit hour, to Pediatric Practice for OTA, 2 credit
hours

Course Title Change

OTA 214 OTA Fieldwork Level II A, 3 credit hours, to Fieldwork Level II A, 3 credit hours

OTA 216 OTA Fieldwork Level II B, 4 credit hours, to Fieldwork Level II B, 4 credit hours

D. Personnel

1. Resignation of Part-time Bookstore Assistant-Ottawa

It was the president's recommendation that the Board approve the resignation of Rebecca Parker as part-time Bookstore Assistant on the Ottawa campus pending her appointment to the position of Registration Specialist on the Ottawa campus.

2. Resignation of Custodian

It was the president's recommendation that the Board approve the resignation of Reba Pulliam as Custodian on the Chanute campus. Her resignation shall be effective December 31, 2016.

3. Resignation of Simulation Clinician-Ottawa

It was the president's recommendation that the Board approve the resignation of Tammie Russell, Simulation Clinician on the Ottawa campus. Her resignation shall be effective November 11, 2016.

4. Registration Specialist-Ottawa

It was the president's recommendation that the Board approve the employment of Rebecca Parker as Registration Specialist on the Ottawa campus. Ms. Parker has served as the part-time Bookstore Assistant on the Ottawa campus since June of 2014.

Ms. Parker will be paid \$11.00 an hour (Level 3) beginning November 28, 2016.

5. Admissions Specialist-Chanute

It was the president's recommendation that the Board approve the employment of Jennifer Winn as Admissions Specialist on the Chanute campus. Ms. Winn has a B.A. in Educational

Studies from Emory University in Atlanta, GA, and an M.A. Ed. in Educational Leadership and Policy Studies from Virginia Tech in Blacksburg, VA.

Ms. Winn's prior work experience includes Coordinator for the Class Academic Advisement Center at Georgia Southern University in Statesboro, GA; Programming and Civic Leadership Coordinator at the University of Alabama in Tuscaloosa, AL; Residential Program Coordinator at Curry College in Milton, MA; and Residence Hall Director Fellow at Emory University in Atlanta, GA.

Ms. Winn will be paid an annual salary of \$22,256 (Management Support). Her start date will be November 28, 2016.

VI. REPORTS

- A. Faculty Senate – Rita Drybread reported on what Faculty Senate was doing. See attachment.
- B. Strategic Plan – Dr. Brian Inbody reviewed the progress of the Strategic Plan. See attachment.
- C. Treasurer – Dr. Inbody gave a treasurer's report in the absence of Sandi Solander. Revenue for the month of October was \$2,875,091.98 and disbursements were \$2,518,569.27. See attachments.
- D. President – Dr. Brian Inbody gave a president's report. See attachment.

VII. OLD BUSINESS

There was no old business to discuss.

VIII. NEW BUSINESS

A. Sexual Misconduct and Related Policies Recommendation (first reading)

Following a 2014 Question and Answers on Title IX and Sexual Violence letter clarifying the 2011 Dear Colleague Letter (DCL) from the Office of Civil Rights (OCR) which delineated the responsibilities of institutions of higher education regarding sexual misconduct, the president recommended and the Board approved the appointment of a new Title IX Coordinator. In addition, the president appointed a team of individuals to assist the Title IX Coordinator to fulfill the responsibilities as directed by the DCL.

Since those initial directives, the College joined the Association of Title IX Administrators (ATIXA), the preeminent association for TIX training and resources in the United States. The Title IX team including the Title IX Coordinator, Title IX Deputy Coordinators and investigators have attended multiple ATIXA trainings and also trained college employees and students on College policy regarding sexual misconduct covered under Title IX. Additionally, the Title IX Team undertook an exhaustive review of all college policies relating to sexual misconduct and the DCL guidance which included the following policies (copies follow):

- Sexual Misconduct Policy (new)
- Mandatory Reporters Policy (new)
- Non-Discrimination (revised)
- Grievance Procedure (revised)
- Discrimination Complaints – Procedure for Resolution (revised)
- Affirmative Action-Equal Employment Opportunity (revised)
- Sexual Harassment Prohibition (removed as is a part of the new Sexual Misconduct Policy)

- Consent (removed as is a part of the new Sexual Misconduct Policy)

As noted, two new policies are being created, the overarching Sexual Misconduct Policy and the Mandatory Reporters Policy. The Non-Discrimination, Grievance Procedure, Discrimination Complaints-Procedure for Resolution, and Affirmative Action-Equal Employment Opportunity all required some revision. Finally, the current Consent policy and the Sexual Harassment Prohibition policy will be deleted as they are part of the new Sexual Misconduct policy. The policies have been reviewed and amended by the College attorney, approved by the Title IX Team and endorsed by the Executive Committee.

This was a first reading. No action on these proposed policies/policy changes will be taken until the next regular meeting of the Board of Trustees.

Sexual Misconduct

Title IX compliance includes the prohibition of sexual misconduct and provisions for grievance procedures.

It shall be the administrative policy of NCCC that no person shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity of NCCC as required by Title IX of the Education Amendments of 1972 and any amendments thereto. This title covers three major areas: admissions, employment, and treatment of students.

As a part of its policy not to discriminate on the basis of sex, NCCC hereby specifically prohibits any act of sexual misconduct and has adopted for its students and employees the following definition of sexual misconduct:

Requests for sexual favors or unwelcome advances in the form of verbal or physical conduct of a sexual nature for which compliance is made an expressed or implied condition of an individual's initial or continued employment, requests which affect decisions regarding an individual's education, or requests which interfere with an individual's work or academic performance including peer sexual harassment which creates a hostile environment to the educational process.

Applicable Scope

Neosho County Community College (hereafter referred to as "College") affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the College's Sexual Misconduct Grievance policy as detailed below. When the responding party¹ is a member of the College community, the Sexual Misconduct Grievance policy is applicable regardless of the status of the reporting party² who may be a member or non-member of the campus community, including students, student organizations, faculty, administrators, staff, guests, visitors, campers, etc. When a reporting party or responding party is a non-member of the campus community, the College's response is limited to investigation only, with no right of appeal, and limited rights concerning access to information in the investigation report. NCCC response to non-member reporting or responding parties is limited to on-campus behavior or behavior that has a direct nexus to College programs or events.

Title IX Coordinator

The Vice President for Operations serves as the Title IX Coordinator³ and oversees implementation of the College's Sexual Misconduct policy. The Title IX Coordinator [heads the Title IX Team and] acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the College President at (620) 432-0346. To raise concerns regarding a potential conflict of interest with any other administrator involved in the appropriate Sexual Misconduct Grievance policy, please contact the Title IX Coordinator.

Inquiries about and reports regarding this policy and procedure may be made internally to:

¹ As used in this document the term "responding party" refers to the person who has allegedly engaged in discrimination.

² As used in this document, the term "reporting party" refers to the person impacted by alleged discrimination.

³ Note that throughout this document, the term "Title IX Coordinator" refers to the Title IX Coordinator or their designee.

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Title IX Coordinator
Neosho County Community College
Chanute, KS 66720
620-432-0301 – office
620-433-0789 – cell
bsmith@neosho.edu
Sanders Hall Operations office

Sarah Robb, Vice President for Student Learning
Deputy Title IX Coordinator
Neosho County Community College
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Chanute, KS 66720
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Sanders Hall VPSL office

Kerrie Coomes, Dean of Student Services
Deputy Title IX Coordinator
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Chanute, KS 66720
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620-212-1153 – cell
kcoomes@neosho.edu
Sanders Hall Student Services office

Karin Jacobson, Director of Human Resources
Deputy Title IX Coordinator
Neosho County Community College
800 W. 14th Street
Chanute, KS 66720
620-432-0333 – office
620-212-5135 – cell
kjacobson@neosho.edu
Sanders Hall Human Resources office

Mike Saddler, Athletic Director
Deputy Title IX Coordinator
Neosho County Community College
800 W. 14th Street
Chanute, KS 66720
620-432-0397 – office
785-766-0512 – cell
msaddler@neosho.edu
NeoKan Hall Athletics office

Inquiries may be made externally to:

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

Reporting Sexual Misconduct

Reports of sexual misconduct may be made using any of the following options. There is no time limitation on the filing of allegations. However, if the responding party is no longer subject to the College's jurisdiction, the ability to investigate, respond and provide remedies may be more limited:

- 1) Report directly to the Title IX Coordinator [or deputy/deputies] (see above);
- 2) Report online, using the reporting form posted at the College's website; and
- 3) Report using other electronic means as available.

All reports are acted upon promptly while every effort is made by the College to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated. Additionally, all employees of the College are designated as mandated reporters and will share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically below in section 7. Reports of sexual misconduct committed by the Title IX Coordinator should be reported to the College President (620) 432-0346.

Jurisdiction

This policy applies to sexual misconduct that takes place on the campus, at College-sponsored events, off-campus and online when the Title IX Team determines that the off-campus or online conduct affects a substantial College interest. A substantial College interest is defined to include:

- a) Any sexual misconduct 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 sexual misconduct where it appears that the responding party may present a danger or threat to the health or safety of self or students or employees;
- c) Any sexual misconduct that significantly impinges upon the rights, property or achievements of self or students or employees or significantly breaches the peace and/or causes social disorder; and/or
- d) Any sexual misconduct that is detrimental to the educational interests of the College.

As a general rule, a report from a reporting party who is not a student or employee or a report about a responding party who is not a student or employee must be for sexual misconduct that takes place on College property or at College sponsored events.

Sexual Misconduct

“Sexual Misconduct” is a broad term encompassing non-consensual or unwelcome sexual advances, sexual violence, dating violence, domestic violence, and stalking.

Per Title IX compliance, it shall be the administrative policy of NCCC that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity of NCCC as required by statute. This title covers three major areas: admissions, employment, and treatment of students.

As a part of its policy not to discriminate on the basis of sex, NCCC hereby specifically prohibits any act of sexual misconduct and has adopted for its students and employees the following definition of sexual misconduct:

Sexual misconduct includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct sexual in nature. The Sexual Misconduct policy specifically addresses the following:

- Unwelcomed communication, including but not limited to phone, text message, email, social media, or other electronic media;
- Requests for sexual favors for which compliance, or submission to such acts, is expressed or implied to impact initial or continued employment;
- Requests for sexual favors for which compliance, or submission to such acts, is expressed or implied to impact an individual’s education;
- Requests for sexual favors for which compliance, or submission to such acts, is expressed or implied to impact the individual’s work or academic performance or creates an intimidating, hostile, or offensive work or academic environment.

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. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. 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. This includes RAs and students over whom they have direct responsibility.

Categories of and Specific Definitions Related to Sexual Misconduct

The College has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, the College considers non-consensual

sexual violence to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved.

a. 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 as a form of sex/gender discrimination.

Sexual harassment is:

- unwelcome, sexual, sex-based and/or gender-based conduct which may be verbal, written, online and/or physical.

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator, a Title IX Deputy, or other college official. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- severe, or
- persistent or pervasive, and
- objectively offensive, such that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational, employment social and/or residential program.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is 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 sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.

- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- Two supervisors frequently "rate" several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

b. Non-Consensual Sexual Intercourse is defined as:

Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force.

Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

c. Non-Consensual Sexual Contact is defined as:

- Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

Sexual touching includes:

- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

d. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private 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 without the photographed person's consent).

- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

e. Force and Consent

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, 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.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented each time from beginning to end while engaging in the activity. 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. Consent can be withdrawn at any time once given, as long as the withdrawal is clearly communicated through words or actions.

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 dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs.

An individual who engages in sexual activity when the individual knows, or reasonably should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where 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 or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In Kansas, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

Examples of lack of consent:

1. 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 pm until 3:00 am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda would never had done it but for Bill’s incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn’t want it, she could have left. Bill is responsible for violating the College’s Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.
2. Jiang is a sophomore at the college. Beth is a freshman. 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, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, 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 her, 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. Is this a policy violation? Jiang would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one’s partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.

3. 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 room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. Clothes go flying, 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 does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to the Dean. This is a violation of the Non-Consensual Sexual Intercourse policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the College expects.

f. Other Serious Sexual Misconduct Offenses

Dating Violence means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence is defined by law as violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse, or by any family or household member.

Examples of Dating or Domestic Violence:

1. A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based on jealousy is a violation of the Intimate Partner Violence policy.
2. An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
3. A student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
4. Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

Stalking is an intentional, malicious and repeated following or harassment of another person and making a credible threat with the intent to place such person in reasonable fear for such person's safety, as defined by statute, and is a criminal offense. If you feel you are a victim of stalking, please notify the police department or sheriff's office immediately.

Examples of Stalking:

1. A student repeatedly shows up at another student's on-campus residence, always notifying the RA that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together.
2. A 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 tutor thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. 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 necessary 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. We are meant to be together."

Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Sanctions for the above-listed "Other Serious Sexual Misconduct" behaviors range from reprimand through expulsion (students) or termination of employment.

Retaliation

As it relates to sexual misconduct, retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or any Deputy Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Examples of Retaliation:

1. A student athlete files an allegation against a coach for sexual harassment; the coach subsequently cuts the student athlete's playing time in half without a legitimate justification.
2. A faculty member complains of gender inequity in pay within her department; her supervisor then revokes his prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."

Remedial Action

Upon notice of alleged discrimination, the College will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to community support resources.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures.

Procedures for handling reported incidents are fully described below.

Confidentiality and Reporting of Offenses Under This Policy

All College employees (faculty, staff, administrators) are expected to report actual or suspected sexual misconduct to appropriate officials immediately, though there are some limited exceptions. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night events do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made.

If a reporting party would like the details of an incident to remain confidential, the reporting party can speak with the on-campus victim advocates. See the full Mandatory Reporter policy on the college website or in office of the Title IX Coordinator.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party 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 comply with federal law. Note that the College's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by NCCC when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to the Title IX Team. Information will be shared as necessary with investigators, **witnesses and the responding party**. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at the College website, or other electronic means as available. Note that these anonymous reports may prompt a need for the institution to investigate.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Amnesty for Reporting Party and Witnesses (applies to students only)

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The College pursues a policy of amnesty for students who offer help to others in need. [While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.]

Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to appropriate College personnel regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The College's Mandated Reporter policy can be found at the College's website.

EQUITY RESOLUTION PROCESS FOR ALLEGATIONS OF SEXUAL MISCONDUCT

The College will act on any formal or informal allegation or notice of violation of the Sexual Misconduct policy that is received by a responsible employee as defined by the College's Mandated Reporter policy.

The procedures described below apply to all allegations of sexual misconduct involving students, staff or faculty members. All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty and staff handbooks.

Overview

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the Sexual Misconduct policy has been violated. If so, the College will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determine whether the Sexual Misconduct policy has been violated. If so, the College will promptly implement effective remedies designed to end the misconduct, prevent its recurrence and address its effects.

1. Sexual Misconduct Grievance Process (SMGP)

Allegations under the policy on Sexual Misconduct are resolved using the Title IX Team. Members of the Title IX team are announced in an annual distribution of this policy to campus, prospective students, their parents and prospective employees. The list of members and a description of the Title IX Team can be found below and also at the College's website. Members of the Title IX Team are trained 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 allegations
- To serve in a mediation or restorative justice role in conflict resolution
- To investigate allegations
- To act as process advisors to those involved in the Equity Resolution Process

Title IX Team members also recommend proactive policies, and serve in an educative role for the community. The President, in consultation with the Title IX Coordinator, appoints the pool, which reports to the Title IX Coordinator. Title IX Team members receive annual training organized by the

Title IX Coordinator, including a review of College 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. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of sexual misconduct allegations; the College's Sexual Misconduct policy and procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All Title IX Team members are required to attend this annual training to be eligible to serve.

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2. Reporting Misconduct

Any member of the community, guest or visitor who believes that the Sexual Misconduct policy has been violated should contact the Title IX Coordinator or any responsible employee as defined by the Mandated Reporter policy. The College website also includes a reporting form at which may serve to initiate the resolution process.

All employees receiving reports of a potential violation of College policy are expected to immediately contact the Title IX Coordinator or Deputy Title IX Coordinator. All initial contacts will be treated with privacy: specific information on any allegation received by any party will be reported to the Title IX Coordinator. Every effort will be made to maintain the privacy of those initiating an allegation. In all cases, the College will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

3. Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the Sexual Misconduct policy has been violated. For the purposes of this process, the Title IX Coordinator, unless otherwise noted, refers to the Title IX Coordinator or designee. The preliminary inquiry is typically 1-3 days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the College reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of the processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses and only when both parties agree to conflict resolution
- Administrative Resolution – resolution by a trained administrator

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict Resolution may only occur if selected by all parties, otherwise the Administrative Resolution Process applies.

If conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the responding party at an appropriate time during the investigation.⁴ The College aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator.

4. Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to Human Resources
- Education to the community
- Altering the housing situation of any associated party
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The College may interim suspend a student, employee or organization pending the completion of SMGP investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should

⁴ 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 College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence.

not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to College housing and/or the College campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other College activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

5. Investigation

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints Title IX Team members to conduct the investigation (typically using a team of two SMGP investigators), usually within two (2) days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within ten (10) 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.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. College action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

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

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

- In coordination with campus partners (e.g.: the Title IX Coordinator), initiate or assist with any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify all policies allegedly violated;
- Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
 - If there is insufficient evidence to support reasonable cause, the inquiry should be 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 timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Prepare the notice of allegation [charges] on the basis of the preliminary inquiry;
- Meet with the reporting party to finalize their statement, if necessary;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of a Title IX Team member or other advisor of their choosing present for all meetings attended by the advisee;
- Provide reporting party and responding party 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;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Investigators finalize and present the findings to the parties, without undue delay between notifications;

At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the College's investigation and the Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. At the discretion of the college, witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

The College will use audio transcription recording during the investigation process. No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

6. Advisors

Each party is allowed to have an advisor of their choice present with them for all SMGP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community.

Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College 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, the College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College expects that the parties will wish to share documentation related to the allegations with their advisors. The College provides a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. 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 the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make reasonable provisions to allow an advisor who

cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least one (1) day 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 must provide timely notice to investigators if they change advisors at any time.

7. Resolution

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 College policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors [advocates].

a. Conflict Resolution

Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions may still be possible as the result of a conflict resolution process. Additionally, parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be 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 formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual violence. It is not necessary to pursue conflict resolution first in order to pursue Administrative Resolution, and any party participating in conflict resolution can stop that process at any time and request a shift to Administrative Resolution.

b. Administrative Resolution

Administrative Resolution can be pursued for any behavior that falls within the policy on Sexual Misconduct at any time during the process.

In Administrative Resolution, the Title IX Coordinator has the authority to address all collateral misconduct, meaning that they hear all allegations of sexual misconduct and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the sexual misconduct or retaliation, even though those collateral allegations may not specifically fall within the policy on Sexual Misconduct. Accordingly, investigations should be conducted with as wide a scope as necessary.

Any evidence that the Title IX Coordinator believes is relevant and credible may be considered, including history and pattern evidence. The Title IX Coordinator may exclude irrelevant or

immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the Title IX Coordinator with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Neither the Title IX Coordinator nor investigators will meet with character witnesses, but investigators may accept up to two (2) letters supporting the character of each of the parties.

The Title IX Coordinator will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy as alleged.

The responding party may choose to admit responsibility for all or part of the alleged policy violations at any point during the investigation or Administrative Resolution process. If the responding party admits responsibility, the Title IX Coordinator will render a determination that the individual is in violation of College policy.

If the responding party admits the violation, or is found in violation, the Title IX Coordinator, in consultation with others as appropriate, will determine an appropriate sanction or responsive action, will implement it, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct.

The Title IX Coordinator will inform the parties of the final determination within three (3) days of the resolution, without significant time delay between notifications. 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 College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The notice will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and any appeals options.

c. Sanctions

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant
- The need for sanctions/responsive actions to bring an end to the sexual misconduct and/or retaliation

- The need for sanctions/responsive actions to prevent the future recurrence of sexual misconduct and/or retaliation
- The need to remedy the effects of the sexual misconduct and/or retaliation on the reporting party and the community

i. Student Sanctions

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

- Warning: A notice in writing to the student that the student is violating or has violated institutional regulations.
- 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.
- Loss of Privileges: Denial of specified privileges for a designated period of time.
- Restitution: Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions: Work assignments, service to the College or other related discretionary assignments.
- 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.
- Student Housing Expulsion: Permanent separation of the student from Student Housing.
- 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.
- 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.
- Expulsion: Permanent severance from NCCC.

ii. Employee Sanctions

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

- Probation
- Non-Renewal
- Termination

d. Withdrawal or Resignation While Charges Pending

Students: The College does not permit a responding student to withdraw if that student has an allegation pending for violation of the policy on Sexual Misconduct. Should a student decide to leave and/or not participate in the SMGP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to College unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should a responding employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status and the employee HR record shall indicate that the employee is ineligible for rehire. Should an employee decide to leave and/or not participate in the SMGP, the process may, nonetheless proceed in the employee's absence to a reasonable resolution.

e. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator only within two (2) business days of the delivery of the written finding of the Title IX Team. Any party may appeal the findings and/or sanctions only under the grounds described, below:

- A procedural error or omission occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the College has designated for this offense and the cumulative record of the responding party.

The Title IX Coordinator will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within two (2) business days and/or 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 two (2) business days. These response or appeal requests will be shared with each party.

Where the Title IX Coordinator finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the Title IX Coordinator are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.

- Appeals are not intended to be full re-hearings (de novo) of the allegation. 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 Title IX Coordinator to substitute his or her judgment for that of the original investigator(s) merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, athletic activities, study abroad, college-sponsored trips, 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.
- The Title IX Coordinator will incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within two (2) business days of the resolution of the appeal or remand.
- 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, as may be provided otherwise in the Negotiated Agreement for Professional Employees as defined therein.
- In rare cases where a procedural [or substantive] error cannot be cured by the original investigator(s) and/or Title IX Coordinator (as in cases of bias), the Title IX Coordinator may direct a new investigation and/or Administrative Resolution process, including a new investigative team. The results of a remand cannot be appealed. The results of a new Administrative Resolution process can be appealed using the process outlined above.
- In cases where the appeal results in reinstatement to the College or resumption of privileges, reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

f. Long-Term Remedies/Actions

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to Human Resources
- Education to the community
- Permanently altering the housing situation of any associated party
- Permanently altering work arrangements for employees
- Providing campus escorts
- Climate surveys

- Policy modification
- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Team, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

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

All responding parties 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 these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/ corrective actions and/or suspension, expulsion and/or termination from the College 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.

h. Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator according to statute in the Title IX Coordinator database.

i. Statement of the Rights of the Parties

Statement of the Reporting Party's rights:

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to College officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by College officials;
- The right to have College policies and 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 College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;

- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from College support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right to have the College maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports addressed by investigators and the Title IX Coordinator who have received [at least eight hours of] annual sexual misconduct training;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings and/or interviews that are closed to the public;

- The right to petition that any College representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- [The right to have the College compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence];
- The right to submit an impact statement in writing to the Title IX Coordinator following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision by the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

Statement of the Responding Party's rights:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to College administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by College officials;
- The right to have College policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by the Title IX Coordinator;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators and the Title IX Coordinator who have received annual training;

- The right to petition to the Title IX Team that any College representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to provide an impact statement in writing to the Title IX Coordinator following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision of the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

8. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Team. The College 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 procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect 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 government regulations in their most recent form.

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

**AUTHORIZATION FOR DISCLOSURE OF
CONFIDENTIAL INVESTIGATION INFORMATION**

TO: Neosho County Community College
(Persons, Title IX Officer, or designated class of persons authorized by the Title IX Compliance Officer to investigate a sexual misconduct complaint)

NAME OF REPORTING PARTY: _____

NAME OF RESPONDING PARTY: _____

Information to be disclosed (if requested): Any record or information that the undersigned is entitled to pursuant to NCCC Sexual Misconduct Grievance Policy.

You are authorized to disclose and or provide the records/information to:

Name	Address	City, State	Zip
<p>who has been appointed by the Undersigned to serve as Advisor for the Undersigned during the sexual misconduct grievance procedure.</p> <p>AUTHORIZING SIGNATURE: I understand that certain records may be protected by federal or state law, including Family Education Rights and Privacy Act (FERPA), and Gramm Leach Bliley Act (GLBA), and I am requesting that any such protected records be released under this authorization, if requested. I authorize the disclosure of COPIES of the records/information described and I understand that if the person or entity that receives the described records/information is not subject to professional confidentiality or federal privacy regulations or other laws, the records/information may no longer be protected by those regulations.</p> <p>I also understand that I may revoke this authorization at any time by delivering a written revocation to the Title IX Compliance Officer. If I revoke this authorization it will have no effect on actions already taken in reliance on this form. I have read and understand this form. I also permit disclosure of the records upon presentation of a photocopy of this form. If this authorization was signed more than sixty (60) days ago, NCCC may (but is not required to) request a new authorization.</p>			

Signature Printed Name

Address

City / State / Zip Telephone Number

STATE OF KANSAS, COUNTY OF _____, ss:

Acknowledged before me this ____ day of _____, 20__ by _____.

My Commission Expires:

Notary Public

Mandatory Reporter

This document is intended to outline NCCC's policy regarding mandated reporting by employees of concerning behaviors, sex discrimination, harassment and crimes. This policy explains briefly the meaning and purpose of mandatory reporters, outlines the legal context, and articulates a straightforward set of guidelines for all employees to follow.

Preface

Mandatory Reporters: What and Why?

There are three federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct – the Clery Act, Title VII and Title IX. Additionally, state law may create a reporting duty regarding the abuse of minors. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “mandatory reporter.” Reporting of concerning and disruptive behaviors is not legally mandated, but is a policy mandate to report to the Dean of Student Services for student concerns or Director of Human Resources for employee concerns in early identification and detection of at-risk situations.

The Legal Context

The Clery Act creates a duty for institutions to report crimes against persons and property in 18 categories and 8 types of hate crimes. Federal law requires NCCC to disclose these crimes in its Annual Security Report each October and failure to do so can result in substantial fines being imposed on the institution by the Department of Education. Guided by the language of the Clery Act and subsequent amendments, NCCC is required to define which employees must report crime information they receive so that NCCC can include it in the Annual Security Report. These employees are known as Campus Security Authorities.

a. The Clery Act

The language of the Clery Act would allow NCCC to exclude some faculty from reporting some of the time and to exempt many professional staff from the obligation to report. Such an approach, however, risks creating confusion for faculty and staff, takes a minimalist approach to the ethical obligation to inform our community about serious crimes, and makes the institution more vulnerable to enforcement action.

b. Title VII

Title VII focuses on sexual harassment in the workplace, and covers other forms of discrimination as well. Failure to take appropriate action can lead to legal liability for NCCC. Under Title VII, the law creates a duty to report for employees who supervise other employees, including students being paid by NCCC. As with the Clery Act, this statute would allow some faculty and staff to be exempted from reporting while supervising employees would be mandated to report. Once again, however, this selective approach may create confusion and risk; and it fails to ask all of us to share the responsibility to create a work place free of sexual harassment and other forms of discrimination.

c. Title IX

Title IX focuses on the adverse consequences faced by victims of gender discrimination and sexual harassment and creates an obligation for NCCC to investigate and to provide a “prompt and effective remedy.” Title IX obligates NCCC to provide a safe environment that does not interfere with the victim’s right to pursue an education or employment opportunities, benefits or privileges. NCCC incurs obligations under Title IX when a victim has given notice to a “responsible employee,” or when NCCC, in the exercise of reasonable care, should have known, about the assault or harassment.

As with the other laws, the definition of “responsible employee” under Title IX would allow NCCC to treat only some faculty and staff as mandated reporters but with the same possibility of confusion and risk of institutional exposure. Additionally, guidance from the Department of Education indicates that anyone a student could reasonably perceive as a responsible employee should be mandated to report, as should any employee who has a duty to report other forms of misconduct, such as academic dishonesty. Finally, the Department of Education has given prescriptive guidance on the duties of confidential employees, such as counselors, and those who can be exempted from mandatory reporting by NCCC, such as victim advocates. That guidance is reflected in the policy below.

Neosho County Community College (NCCC) Mandatory Reporting Policy

Who Reports?

NCCC defines all employees and trustees as mandatory reporters, unless exempted below. This includes student-workers who learn of reportable information while they are in the course of their duties for NCCC. NCCC considers RAs to be mandatory reporters who are always on-duty.

What Is to Be Reported?

- If a mandatory reporter learns about sex/gender discrimination, that employee is expected to promptly within 48 hours or less as soon as deemed necessary based on the severity of the incident contact the Title IX Coordinator Ben Smith at 620-433-0789 (cell), 620-432-0301 (office), or bsmith@neosho.edu or one of the deputy Title IX coordinators; Sarah Robb at 620-230-8062 (cell), 620-432-0302 (office), or sarah_robb@neosho.edu, Kerrie Coomes at 620-212-1153 (cell), 620-432-0304 (office), or kcoomes@neosho.edu, Karin Jacobson at 620-212-5135 (cell) 620-432-0333 (office), or kjacobson@neosho.edu, or Mike Saddler at 785-766-0512 (cell), 620-432-0321 (office), or msaddler@neosho.edu, who will then notify the Title IX Coordinator. The Title IX Coordinator will take responsibility for prompt notification to other appropriate NCCC officials. Sex/gender discrimination includes sexual harassment, sexual violence, intimate partner or relationship violence, and gender-based bullying, stalking, and hazing.
- Other serious crimes covered by the Clery Act (defined in number 6 below) must be reported immediately to the NCCC Clery Coordinator, Allison Ouellette at 913-909-7646 (cell), 620-432-0381 (office) or acouellette@neosho.edu. When a crime is also a form of sex/gender discrimination covered in the bullet above in any situation where the victim so requests, or there is a threat to the safety of the community or any member of it, even if they may also be criminal in nature, it should be reported immediately to Ben Smith, Title IX Coordinator.
- Reporting of concerning and disruptive behaviors should be reported to the Dean of Student Services for student concerns or Director of Human Resources for employee concerns in early identification and detection of at-risk situations.

- **Reporting of child sexual and/or physical abuse should be made to the County Attorney/Police Department** as well as the Title IX Coordinator.

When reporting misconduct covered under Title IX (e.g., sexual harassment, sex or gender discrimination, sexual assault, dating violence, domestic violence, stalking, sexual orientation discrimination, gender identity discrimination, etc.), NCCC employees must provide full details of the incident if known, including all names and personally identifying information. If a victim wishes for no action to be taken, the Title IX Coordinator must evaluate that request. NCCC is always guided by the goal of empowering the victim and allowing the victim to retain as much control over the process as possible. Typically, NCCC is compelled to act despite a victim's wishes when an incident evidences use of weapons, violence, threat, pattern or predation. Otherwise, a request for confidentiality or no action may be honored, with remedies offered to the victim as appropriate.

Employees should not promise confidentiality unless their professional role is confidential, and they have received the report in that confidential capacity. If approached, it is appropriate to counsel, "I may be obligated to share what you tell me with administrative officials. If you would like, I can connect you with campus resources who can maintain the confidentiality or privacy of what you share with them." Where an incident involves off-campus conduct involving a member or members of the campus community, the reporting expectations of this policy still apply. If an employee is unsure of whether to report, consult with the Title IX Coordinator or deputies as appropriate. These officials will guide an employee on what is to be reported, when and how.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to the Title IX Team. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted on the College's website or other means when available. Note that these anonymous reports may prompt a need for the institution to investigate.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night events do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal College action.

Confidential Employees

Counselors, health service providers and clergy are considered exempt from mandatory reporting, unless a victim asks them to report or a duty to report exists under state law based on an imminently harmful situation. Confidential employees are expected to report aggregate data as it is reported to the Title IX Coordinator, without any personally identifiable details unless the confidential employee determines on a case-by-case basis that reporting would not be in the best interest of their client/patient/parishioner.

Designated Private Resources

NCCC wants victims to have a safe space for reporting. Thus, it has designated Hope Unlimited, Inc. as a possible private resource. Under NCCC policy these employees make reports in the form of non-personally identifiable [“Jane Doe” or “John Doe”] information initially. If it is determined through subsequent investigation that more information is needed, the Title IX Coordinator will seek it from employees designated as private resources. Where an employee designated as a private resource shares an incident with the Title IX Coordinator, the employee is not also required to also report this misconduct as a criminal act to the Clery Coordinator. The Title IX Coordinator will do so, to avoid double counting of incidents, unless there is an emergency or the victim wishes to report directly to Clery Coordinator.

Timely Warning

In some cases, the Clery Coordinator may be required to release a timely warning to the community about a threat to the community. In such cases, an initial investigation or determination of the nature of the threat may be conducted, after which a warning will be issued immediately. Victims will not be identified in any warning that is released.

Non-Discrimination

(Previously Americans with Disabilities Act – revised 9/08, 12/08) (renamed & revised 01/08/15)

Neosho County Community College affords equal opportunity to and does not discriminate 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.

The following offices have been designated to handle inquiries regarding the Non-Discrimination and to coordinate implementation of this policy. They may be contacted to initiate an investigation under the policy or to answer questions regarding this policy.

~~**Vice President for Operations**
a/k/a Chief Operations Officer
Neosho County Community College
800 West 14th Street
Chanute, KS 66720
Telephone: (620) 432-0301~~
(Optional)*

<u>Title VII, Age Discrimination Act, Title II, Kansas Acts Against Discrimination</u>	Chief Human Resources Officer <u>Neosho County Community College</u> <u>800 W. 14th Street</u> <u>Chanute, KS 66720</u> <u>HR@neosho.edu</u>
<u>Section 504, The Americans with Disabilities Act of 1990, The Americans with Disabilities Act Amendments Act of 2008</u>	Chief Student Affairs Officer <u>Neosho County Community College</u> <u>800 W. 14th Street</u> <u>Chanute, KS 66720</u> <u>Student.Services@neosho.edu</u>
<u>Title IX</u>	Chief Operations Officer <u>Title IX Coordinator</u> <u>Neosho County Community College</u> <u>800 W. 14th Street</u> <u>Chanute, KS 66720</u> <u>TitleIX@neosho.edu</u>

You may also go to www.neosho.edu/compliance.aspx the College's website where you will find the name and/or title and telephone number of the person or persons responsible for addressing your request.

~~Students may in the alternative prefer to contact:~~

~~Dean of Student Services ——— Optional: Counselor~~
~~Neosho County Community College~~
~~800 W. 14th Street~~
~~Chanute, KS 66720~~
~~Telephone: (620) 432-0304~~

Using the College's complaint or grievance process does not prohibit an employee or student from contacting or filing a complaint with these agencies:

U.S. Department of Education

Office of Civil Rights
1010 Walnut Street
3rd Floor, Suite 320
Kansas City, MO 64106
Telephone: (816) 268-0550

Kansas Human Rights Commission (KHRC)

Main Office, Topeka
900 S.W. Jackson, Suite 851-S
Topeka, KS 66612-1258
Telephone: (785) 296-3206
Toll Free: (888) 793-6874

Equal Employment Opportunity Commission (EEOC)

Kansas City Area Office
400 State Avenue, Suite 905
Kansas City, KS 66101
Telephone: (913) 551-5655

Grievance Procedure

This policy shall not apply to termination of contracts or termination of employment, non-renewal of contracts, suspensions, or demotions. A grievance is limited to a work-related complaint and is not related to discrimination based on sex, or any act of sexual harassment or based upon the NCCC Non-Discrimination Policy. Grievance procedures for faculty are established in the negotiated agreement between the Professional Educators' Association and the college.

A. Definitions

1. Grievance: Grievance is a work-related complaint, which is not related to termination of contracts or termination of employment, non-renewal of contracts, suspensions or demotions, or discrimination based on sex, or any act of sexual harassment, or based upon the NCCC Non-Discrimination Policy.
2. Aggrieved Person: The person or persons making the complaint, which shall include only non-faculty employees.
3. Party of Interest: The person or persons making the complaint and/or any person who might be required to take action or against whom action might be taken in order to resolve the grievance.
4. Days: Except when otherwise indicated, days shall mean contract working days.

B. Purpose

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems affecting employees that may arise from time to time.

C. Procedure

1. Level One

- a. Within 20 days from the date of awareness of a problem, the aggrieved person shall seek to resolve the matter informally with his/her supervisor.

2. Level Two

- a. If the aggrieved person is not satisfied with the disposition of his/her grievance at level one, or if no decision has been rendered within five (5) days after discussion of the grievance he/she may file the grievance in writing within ten (10) days of the level one response with the Chief Academic Officer on the form available in the Chief Academic Officer's office.
- b. Within five (5) contract days after receipt of the written grievance, the Chief Academic Officer or his/her designee will meet with the aggrieved person and his/her representative in an effort to resolve it. The Chief Academic Officer shall submit his/her decision in writing to the aggrieved person five (5) days after the meeting.

3. Level Three

- a. If the aggrieved person is not satisfied with the disposition of his/her grievance at level two, he/she may file a grievance within ten (10) days of the level two response with the President.
- b. Within five (5) days after receipt of the written grievance the President or his/her designee will meet with the aggrieved person and his/her representatives in an effort to resolve it. The

President shall submit his/her decision in writing to the aggrieved person within five (5) days of the meeting.

4. Level Four

- a. If the aggrieved person is not satisfied with the disposition of his/her grievance at level three, he/she may file the grievance within ten (10) days of the level three response with the Board of Trustees by filing the grievance with the President.
- b. Upon receipt of the written grievance by the board, the grievance shall be scheduled at the next regular board meeting or the following regular board meeting if the next meeting is within ten (10) days of the receipt of the grievance by the board. The grievance will be heard in executive session unless otherwise requested by the grievant. The board shall submit its decision in writing to the aggrieved person within five (5) days of the meeting.

D. Rights of Employee Representation

1. No reprisals will be taken by the board or administration against any participant in the grievance procedure by reason of such participation.
2. An employee may be represented at all stages of the grievance procedure by himself/herself or, at his/her option, by a representative selected by the grievant.

E. Miscellaneous

1. The number of days indicated at each level should be considered as maximum and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement.
2. In the event a grievance is filed at such time that it cannot be processed through all the steps in this grievance procedure by the end of the contract year, the days shall be those days during which the college office is open for business.
3. If at any stage of the grievance procedure, the grievant does not take the next step within the time allotted, the grievance shall be settled in the manner recommended at the last step, or the grievant may advise the administration that the grievance is dropped.
4. Decisions rendered at Levels Two, Three, and Four of the grievance procedure will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties of interest.
5. When it is necessary for a representative to attend a grievance hearing during the school day, he/she will, upon notice to the Chief Academic Officer, be released without loss of pay. Any employee whose appearance in such hearings as a witness if necessary will be accorded the same right.
6. All documents, communication, and records dealing with the processing of a grievance will be filed in a separate grievance file and will not be kept in the personnel file of any of the participants.
7. Forms for filing grievances, serving notices, making appeals, making reports and recommendations, and other necessary documents will be prepared by the administration and made available in the Chief Academic Officer office to facilitate operations of the grievance procedure.
8. Time line exception: If the grievant chooses to have representation at any level, the administration will contact the grievant, who may coordinate with his/her representative to determine mutually acceptable dates at each level.
9. Strict rules of evidence and requirements of substantive and procedural due process, except the notice provisions and time deadlines provided herein, will not apply.

10. In the absence of a written reply herein being given within the time specified, the grievance is considered to be denied and the grievant may submit the grievance to the next level.

11. All grievances filed shall:

- a. Be signed by the aggrieved person;
- b. Be specific;
- c. Contain a synopsis of the facts giving rise to the grievance;
- d. Cite the article, section, page number of that portion of any policy or procedure allegedly violated (if applicable);
- e. Contain the date of any alleged violation;
- f. Specify the relief requested; and,
- g. Be submitted using the college supplied forms.

If the grievance as filed is not in conformance with these requirements, then the college reserves the right to reject the grievance. Such rejection shall not extend the time limitations herein set forth.

Discrimination Complaints – Procedure for Resolution

(revised 9/08)

~~Complaints by an A student, employee (not covered by the agreement between the board and NCCC Professional Educators' Association), or community member should notify the College if he or she believes that the College, its employees, or agents have violated his or her rights regarding any one of the following; be addressed to the employee's supervisor, or the Director of Human Resources. Complaints by a student should be addressed to the Chief Student Affairs Officer. Complaints by any person supervised by the human resources officer or by any other person alleging discrimination should be addressed to the President. Complaints about discrimination will be resolved through the following complaint procedure.~~

- ~~1. Title II of the Americans with Disabilities Act~~
- ~~2. Title IX of the Education Amendments of 1972~~
- ~~3. Section 504 of the Rehabilitation Act of 1973~~
- ~~4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.~~
- ~~5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.~~
- ~~6. Sexual harassment (K.S.A. 44-1001 et seq.) (Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)~~
- ~~7. The Americans with Disabilities Act of 1990; The Americans with Disabilities Act Amendments Act of 2008~~
- ~~8. The Age Discrimination in Employment Act of 1967~~
- ~~9. Kansas Acts Against Discrimination (K.S.A. 44-1001 et seq.), Section 188 of the Workforce Investment Act~~
- ~~10. Hazing as defined in the NCCC Hazing Policy~~
- ~~11. Misuse of genetic information Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.~~
- ~~12. Any form of discrimination identified in the NCCC Non-Discrimination Policy~~

~~and any amendments to such laws, regulations, and policies.~~

~~Complaints about violation of the NCCC Non-Discrimination Policy and/or any of the above referenced laws, regulations, or Board policies should be directed to the following:~~

Title VII, Age Discrimination Act, Title II, Kansas Acts Against Discrimination; Genetic Information	Chief Human Resources Officer Neosho County Community College 800 W. 14th Street Chanute, KS 66720 HR@neosho.edu
Section 504, The Americans with Disabilities Act of 1990, The Americans with Disabilities Act Amendments Act of 2008; Hazing	Chief Student Affairs Officer Neosho County Community College 800 W. 14th Street Chanute, KS 66720 Student.Services@neosho.edu
Title IX	Chief Operations Officer Title IX Coordinator Neosho County Community College 800 W. 14th Street Chanute, KS 66720 TitleIX@neosho.edu

A complaint directed to the incorrect office will still be accepted, processed, and directed appropriately.

You may also go to the College's website where you will find the name and/or title and telephone number of the persons responsible for addressing your request.

Complaints about Sexual Misconduct will be resolved pursuant to the NCCC Sexual Misconduct Grievance Policy, which may be found at the College's website and may always be made to the Title IX Coordinator.

Complaints about all other matters referenced above will be resolved through the following complaint procedure.

1. A complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. A complaint should be filed within ten (10) working days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
2. An investigation shall follow the filing of the complaint. The investigation shall be conducted by the ~~Chief Financial Officer~~Discrimination Complaint Investigator appointed by the Officer receiving the complaint. The investigation shall be informal but thorough. All interested persons, including the complainant and the person against whom the complaint is lodged, will be afforded an opportunity to submit evidence, written or oral, relevant to the complaint to the investigator.
3. Written determination for resolution of the complaint shall be issued by the ~~compliance coordinator~~Discrimination Complaint Investigator, and a copy forwarded to the complainant no later than fifteen (15) working days after the filing of the complaint. Records relating to complaints filed and their resolution shall be maintained in a confidential manner by the ~~Chief Financial~~Title IX Compliance Officer.
4. The complainant may appeal the resolution of the complaint to the ~~President~~Title IX Compliance Officer or designee, ~~or to the Board of Trustees, if the complaint was against the President. The request to appeal the determination shall be made within five (5) days after the date of the written resolution of the complaint by the Chief Financial Officer. The President or Board of Trustees, whichever is applicable, shall review the evidence gathered by the Chief Financial Officer and the Chief Academic Officer's report, and shall afford the complainant and the person against whom the complaint is filed an opportunity to submit further evidence, and will issue a written determination within fifteen (15) working days of the receipt of the appeal for resolution of the complaint. which appeal shall be resolved in the same manner as a Sexual Misconduct appeal. 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 as may be provided otherwise in the Negotiated Agreement for Professional Employees as defined therein.~~

Use of the complaint procedure is not a prerequisite to the pursuit of any other remedy.

Affirmative Action/Equal Employment Opportunity (AA/EEO)

It is the policy of NCCC to seek and employ the best qualified personnel for all positions, to provide equal opportunities for the advancement of all personnel, including upgrading, promotion and training, and to administer their activities in a manner which will not discriminate against any person because of race, color, national origin, gender, age, religion, disabilities, marital status, or status as a veteran.

The college will:

1. Insure that applicants are recruited, employed, and treated during employment without regard to race, color, national origin, gender, age, religion, disabilities, marital status, or status as a veteran.
 - a. Indicate in all advertising for employment that the college is "AA/EEO." No preference will be shown for men or women in the advertisements.
 - b. Maintain current information on college work force composition by minority groups and gender.
 - c. Work with those agencies representing women and people of color in recruitment efforts.
2. Assure adequate opportunity for employment of minority employees throughout the campus.
 - a. Develop programs of training for all personnel.
 - b. Promote personnel in accordance with ability and job performance.
 - c. Maintain equality in compensation, fringe benefits or working conditions within each job classification.
 - d. Utilize the AA/EEO policy regarding demotion, termination, and retrenchment.
 - e. Review job requirements to insure that they do not have the effect of inadvertent discrimination.
3. Inform all faculty and staff regarding the AA/EEO policy on a regular basis.
4. Provide a prompt, fair, and impartial consideration and disposition of complaints involving issues of discrimination without fear of reprisal or sanctions.
5. Revise and update the AA/EEO policy as necessary to conform to federal and Kansas regulations, to assure compliance and to give full consideration and opportunities to minority groups and women.
6. Work with the Kansas Civil Rights Commission and other agencies in implementing this policy.
7. Provide for the appointment by the President of an AA/EEO committee. The ~~Chief Student Affairs Officer~~ Chief Human Resources Officer shall serve as AA/EEO officer. The AA/EEO committee shall be responsible for implementation of the AA/EEO policy of the college.
8. Receive and file applications of those seeking employment. Send a letter to applicants notifying them of receipt of application and status of open position.
 - a. Notify college personnel of vacancies and post position announcements.
 - b. List vacancies through appropriate media and placement offices based upon the type of opening. Such listing shall not be required under the following circumstances:
 - 1) When the President determines that advertising a position will be detrimental to the college due to an immediate need, and a qualified person is available to fill the position, the President may appoint such person to the position.
 - 2) When the President determines that non-faculty position may be filled by promotion of a qualified employee of the college.

The President may then appoint such person to the position subject to board approval without advertising the opening.

- c. Include the following in position announcements:
 - 1) Responsibilities
 - 2) Salary range
 - 3) The statement: "NCCC is an AA/EEO employer"
 - 4) Qualifications
 - 5) References required
 - 6) Transcripts required, if appropriate
- d. Fill a position when a qualified person, able to meet job responsibilities and willing to accept the salary offered, is located.

B. Executive Session – Non-elected Personnel

On motion by Dennis Peters and second by Lori Kiblinger the Board recessed into executive session for 5 minutes to discuss personnel matters of non-elected personnel which if discussed in open meeting might violate their right to privacy and to include the President, Vice President for Student Learning, Vice President for Operations, and the college attorney.

The Board entered executive session at 6:31 pm and returned to open meeting at 6:36 pm.

Resolution 2016-60

RESOLVED, that the Board of Trustees of Neosho County Community College approves that the contract of Lacey Helkenberg be terminated effective November 22, 2016, and that notice of the Board’s intent has been given as required by Board policy.

Upon motion by Dennis Peters and second by Charles Boaz the above resolution was approved unanimously.

IX. ADJOURNMENT

On motion by Dennis Peters and second by Jenny Westerman the meeting adjourned at 6:40 pm.

Respectfully submitted,

David Peter, Board Chair

Denise L. Gilmore, Board Clerk

Faculty Senate Board Report

November 2016

Nancy Hindle-

On the 10th of November, I will be attending Ottawa High School's event, *Day on the Job*. I will be discussing with all seniors who stop by my table the path that lead me to my position as an English and communications college instructor and academic advisor. I will also offer suggestions for job shadowing at the NCCC-Ottawa campus.

I recently attended the Tilford Conference on Diversity at Pitt State. I learned many things that could be applicable to our campus, such as the benefits of service learning projects and the types of funding available to implement them in our classrooms, and the concept of "invasive mentoring."

Pam Covault-

Twelve nursing faculty attended the KCADNE conference on 10/27-28 at JCCC.

-Deb Callahan, Cheryl Van Hemert, Crickett Johnston and I represented the faculty at the joint Kansas Association of Nursing Students/Kansas State Nursing Association conference in Topeka 10/20-21 in Topeka. There were 9 students (representatives from both campuses) attending from NCCC, 5 of which were on the KANS board. We were extremely proud of our students good work and presence at the conference. Deb Callahan was recognized for having excelled in participation in continuing education activities at the KSNA business meeting.

-The National Student Nurse Association's mid-year conference is being held in Kansas City 11/10-13. Several NCCC students will be attending. Deb, Cheryl, and I will be attending as faculty support. (There are also some great CE opportunities for faculty there.)

-I will be going to San Antonio, Texas 11/28-29 to observe the military training being done at METC (Medical Educational and Training Campus). This is part of the KS Military Initiative Program. The purpose of this committee is to establish an articulation program between some of the military programs (such as medic and surgical tech) and nursing.

-The new curriculum seems to be proceeding nicely. We have seen some very positive things come out of the curriculum thus far. Several of us have attended conferences recently encouraging us to incorporate things into our curriculum that we have already done with the new curriculum. This is very validating for NCCC faculty.

Richard Webber-

The Business and Innovation club, in partnership with the music club, hosted Jay Lopez. Jay builds box drums locally. He discussed business, music, and life.

The Business and Innovation club will host Chad Boaz November 3rd. Chad will discuss investing and savings strategies.

Mindy Ayers-

History Club-

10-3 Movie Night Last of the Mohicans

10-18 cook out and pumpkin carving at Ayers house! About 25 kids !

Will be going to the WWI museum on Veterans Day

#Adulting Club-9/30 Know your car event. Students brought cars and learned about maintenance!

10/31 Community Service on Highland street. Passed out 500 Tshirts and 4,500 pieces of candy. Panther mascot was there to take pictures with the Trick or Treaters

Will be having a "Pizza and Budget" Luncheon soon. Students will get a budget worksheet and hands on help managing their money!

Honors Program-Ayers attended and presented at the National Council for Honors Conference in Seattle.

Students are working diligently on their projects. Poster presentation will be 11/30 in the Union

Education Program-PSU day was on 10/26. 15 Teacher candidates sat down with Dr. Alice Sagehorn to go over Education Program requirements, etc. This was a great turnout!

AECT-We will be hosting our fall regional tournament this Saturday in Stolz! Looking at 8 teams from the Easter Region to participate!

History and Government Classes are going great. Lots of writing assignments. Has been an interesting fall with great conversations about our upcoming elections!

Lindsay Reustle-

The Human Dissection class visited the Body Worlds Exhibit in KC on 10/22. (3 NCCC students in attendance)

SMAC went to Cedar Cove Cat Sanctuary and the Cider Mill in Louisburg on 10/30. (5 NCCC students in attendance)

I will have 4 Altoona Midway high schools students + 1 sponsor come to tour the Cadaver Lab on 11/3.

Rita Drybread-

Phi Theta Kappa has been busy in the last few weeks.

They conducted a food drive on campus (with lots of help). The food was donated to a local food pantry.

November 4th -6th, students attended a regional meeting in Lincoln, NE.

On November 6th, our students helped at an aid station at the Kansas Marathon in Lawrence.

STRATEGIC PLAN INITIATIVES

Progress Report

November 8, 2016

STUDENT LEARNING

SL-1: Design/Implement a comprehensive student intake process to enhance student performance through:

SL-1A: Ensuring accurate student placement

The Placement and Testing Committee has updated cut scores for ACCUPLACER based on KBOR recommendations. The scores are updated in the College Catalog and are in use now. The committee is currently reviewing multiple measure opportunities and determining the best way to move forward. There is much discussion and data review revolved around using a student's high school GPA to gauge placement. Planning and discussion on implementation of multiple measures continues. If we make changes for next academic year, they will be in place prior to March 2017.

SL-1B: Strengthening access to college/career readiness resources

This initiative depends heavily on availability of funds to support a career counselor position at the college. It was not funded last year, and depending on resources, may not be able to fund again this year. There may be a way to build this position into the Title III grant that the Student Learning Division is working on, however, that may not come to fruition until 2018, if the grant is funded. We will continue to provide access to tutors as it is a priority for the college.

SL-2: Enhance support to students and instructors by:

SL-2A: Providing adjunct professional development

The task force of the Student Learning Division has finalized the policy and procedure for adjunct professional development. We are currently in the test phase of the electronic application procedure and plan to implement this within the current semester.

SL-2B: Increasing support for the operation of the online campus

The Administrative and Technical Assistant position has been moved into a permanent 9-month position.

SL-3: Provide the rationale to support creation of a foreign language program

The rationale was completed, however, the creation of a foreign language program is not viable at this time. There is potential to "share" adjuncts or instructors among the SEK Community Colleges, however, that depends on schedule availability and overall need.

SL-4: Implement initiatives from the Strategic Technology Plan (STP) that support the Educational Master Plan (EMP) as funding allows.

Rowland 333 & 338, and Ottawa TLC have been refreshed with new computers/thin clients. Replaced one server in the VMWARE cluster that was no longer under warranty. Purchased new HD (High Definition) streaming equipment for Athletics. Refreshed wireless access points and controller for the residence halls.

SL-5: Develop assessment of student learning process improvements to "automate" course requirements and learning outcomes to assessment ratings.

The custom project from Jenzabar is nearing completion. Once finalized, this product will revolutionize the way our instructors report outcomes assessment. We have used the majority of the pool hours for the project with just approximately 30 hours remaining. Our team, including Sarah Robb, Marie Gardner, Ethan Smilie and Jon Seibert are meeting weekly with the Project Manager and Programmer from Jenzabar. This has been a very complicated project, but will be worth it once finalized.

SL-6: Reorganize Student Learning Division

This is complete.

SL-7: Develop concept for Title III grant and make successful application (SU 17 app due)

The concept for the Title III grant is being developed and will likely include 1) new programming, 2) student support services, and 3) matching funding from the NCCC Foundation. We are currently working with Ramona Munsell & Associates on application development.

SL-8: Enhance college workforce in the city of Lawrence and Franklin County markets

We began the Court Reporting Program in the Fall of 2016 at the Ottawa campus. This program began with an adjunct instructor. We are currently reviewing the prospect of a full-time instructor position for this program. We are reviewing data regarding how many students plan to return in the spring and associated course fees.

Through the Carl Perkins grant, we have supported a full-time HVAC instructor at the Lawrence site. This salary is completely supported through the grant for the first year, then will reduce by one-third for the next two years.

SL-9: Create and implement one or more needed programs in our service area for the state of Kansas

This initiative has been folded into SL-7. The new programs that are in development for the Title III grant will be needed in our service area and the state of Kansas.

STUDENT SUCCESS

SS-1: Design/Implement a comprehensive student intake process to enhance student retention, persistence, and completion through:

SS-1A: Improving effectiveness of academic advising

There is a new product available to us through Jenzabar called "EXi Advising." The Vice President for Student Learning has made it a charge for both the Enrollment Management Committee and the Process Users Group to 1) evaluate the product for our use and decide which components of this product we want to use, and 2) plan for

the implementation of those components. The first charge (evaluation of the product) is in progress now.

SS-1B: Improving effectiveness of First Year Seminar

The curriculum in FYS has been updated with new segments regarding diversity and has helped facilitate the completion of Campus Clarity by students. Based on the review of this course and the HLC expectations regarding faculty qualifications, we have proposed to update the course “prefix” to CURR rather than PSYC. This ensures that we will not be required to use only instructors with a Master’s degree in Psychology. We currently use various faculty on campus to instruct this course. The Student Learning Division may be requesting to remove this initiative in the future – as the course has been proven to be effective.

SS-1C: Participate in the experimental USDE concurrent Pell grant program

This needs to be removed from the strategic plan – we did not get selected for the experiment.

SS-2: Ensure NCCC provides effective web-based interactive compatibility with commonly used devices of students and instructors.

Refreshed the NCCC home page with a new mobile friendly layout.

SS-3: Strengthen awareness and integration of cultural diversity to students, employees, and our communities through:

SS-3A: Student activities

NCCC continues to offer diversity awareness activities to students through offerings by Student Senate, International Club, Black Student Union, Youth For Understanding, Cultural Exchange Club, Art Club, Music Club and Panther Players. These activities range from celebrating cultural holidays and traditions to fine arts productions and are open and available to all students.

Questions related to diversity were added to the Noel-Levitz student survey.

- Data was discussed during Diversity & Inclusion Committee meeting.
- Data was presented and discussed during Supervisor Training meeting.

SS-3B: Employee professional development

A Diversity Committee has been formed and is working on NCCC’s definition of diversity.

SS-3C: Community engagement

Several speakers were on campus on diversity issues such as LGBT and diversity privilege and leadership. The public was invited to attend. Student athletes continue to be required to assist local organizations such as Cherry Street and USD 413 with community activities.

SS-4: Test and evaluate co-curricular assessment process for student groups.

The co-curricular assessment process was piloted last year. The student survey was completed last spring with over 70 responses. We are currently working to establish direct measures for

assessment. Currently the assessment committee is working on development outcomes. This should be complete by the end of the academic year.

ACCOUNTABILITY TO STAKEHOLDERS

AS-1: Optimize college preparation of anticipated revenue streams, emphasizing appropriate contingency plans and reallocation of resources to sustain the college's mission, vision, and purposes.

AS-1A: Provide adequate mil levy support

The support from the mil level was uneven as a major corporate taxpayer filed for bankruptcy and did not pay its second-half taxes. Oil and gas revenue greatly declined as well. Due to this situation, lower revenue from the state as well as from tuition dollars, the Board voted to increase the mil by 1. Future county value may be increasing as oil and gas wells are slightly improving in value and additional significant construction is underway at three locations in the county. Although there are tax incentives, the three will pay some taxes on the new buildings or enhancements.

AS-1B: Successfully complete performance agreements

NCCC successfully completed 4 out of 6 indicators. NCCC will receive 100% of new money as a result. Additionally our 2017-2019 agreement has been approved by KBOR BAASC committee and is awaiting full KBOR approval.

AS-1C: Stabilize enrollment revenue

The 2016-2017 enrollment for NCCC is up 2% as a whole as of this writing (11/7/2016). This is much better than expected. The yearly budget was built on a possible 3% further decline. This then represents a 5% overall increase in expected revenue in tuition dollars if the trend continues through the academic year. Additionally the Trustees voted to increase tuition by \$3 per credit hour last year to help stabilize these dollars. Administration is examining the possibility of a similar tuition increase this year to compensate for the expected loss of state aid for 2017-2018.

AS-2: Enhance NCCC safety and security through:

AS-2A: Enhance college security unit as a result of statutory changes and survey data

We continue to discuss possible changes to the college's security program and personnel based upon current statutes. We are currently awaiting proposed concealed carry policies from KBOR institutions and JCCC. Trustees will be discussing these topics at the November Board retreat.

AS-2B: Providing a continuous assessment of NCCC compliance status with emerging Title IX/Clery Act changes, at least twice per year.

The TIXC continues to monitor the ATIXA list serve and OCR website for compliance issues. TIX team personnel continue to be trained in investigation techniques.

AS-3: Implement a department/unit review process (i.e., program review).

A methodology was successfully piloted with the Tech Services Department and changes were made to the processes. A multi-year rotation schedule has been developed and the first programs are to be reviewed this spring.

AS-4: Optimize intra- and interdepartmental training and information sessions to reinforce expectations of collaboration for effectiveness and efficiency, and for quality customer service.

The quarterly all-campus supervisor training has continued with positive reaction from participants. A special speaker is scheduled for January in-service on the topic of interdepartmental communication. The Process Users Group (PUG) continues to work out process issues between departments. Special attention will be given to the billing process this year.

AS-5: Evaluate an Energy Performance Contract for four main Chanute campus buildings.

Not feasible at this time, but will reevaluate next year.

AS-6: Advance the Capital Improvement Plan (CIP) as funded.

Minimal funding was appropriated this year as most of the funding was redirected.

AS-7: Meet all federal overtime requirements.

Academic category has been added to specific job descriptions. Employees who meet the overtime requirements will be paid hourly beginning in December 2016.

MEETING COMMUNITY NEEDS

CN-1: Reinforce and expand the interaction of college employees and students with community activities and community service throughout the NCCC service area.

NCCC continues a wide range of community activities to engage the area. This year NCCC held the 80th Anniversary in conjunction with the NCCC Foundation. Hundreds of community members attended the day-long event. This event was in addition to other regular events and community support we already supply including the annual food drive, Angel Tree, required club community projects, required student athlete community service hours, participation in parades, and supplied workers for events such as Artist Alley and Oktoberfest.

CN-2: Conduct an occupational outlook study and environmental scan of the NCCC service area to strengthen and assess college communications, reputation, and return on investment of resources.

The occupational outlook study is complete through EMSI. This was funded through the Carl Perkins Grant and will be used for the Title III application. The environmental scan may be delayed.

CN-3: Redesign and enhance dining center, community meeting rooms, and additional offices.

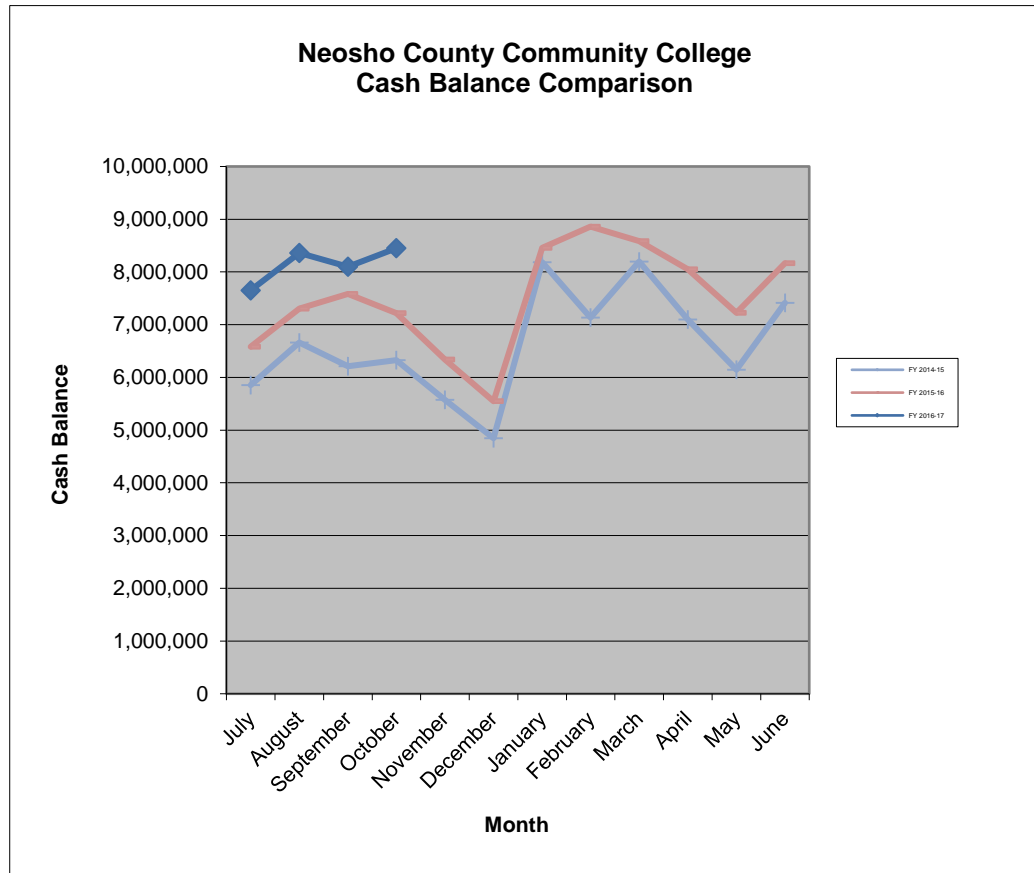
This project is on hold.

CN-4: Investigate programs and strategies to reduce unemployment and poverty.

NCCC is assisting the State of Kansas with our Partners in Change program designed to fight poverty. It has been retooled to be shorter but continues to be a popular program. NCCC is working with Orizon a new aero-structures company in Chanute to train their workforce. Additionally we are writing a new Title III grant that may bring three new programs to the service area. All three are in the high need/high wage category.

TREASURER'S MONTHLY FINANCIAL STATEMENT
NEOSHO COUNTY COMMUNITY COLLEGE
For the Period October 1, 2016 to October 30, 2016

FUND	FUND DESCRIPTION	BEGINNING BALANCE 9/30/2016	RECEIPTS OCTOBER	JOURNAL ENTRIES OCTOBER	DISBURSEMENTS OCTOBER	ENDING BALANCE 10/31/2016
02	Postsecondary Technical Education Reserve	113,611.20	11,430.38	0.00	-200.00	124,841.58
07	Petty Cash Fund	1,073.93	-1,193.00	0.00	0.00	-119.07
08	General Fund Deferred Maintenance	101,212.00	88.00	0.00	-10.00	101,290.00
09	General Fund Equipment Reserve	225,221.37	0.00	0.00	0.00	225,221.37
10	General Fund Unencumbered Fund Balance	2,300,000.00	0.00	0.00	0.00	2,300,000.00
11	General Fund	1,418,758.45	222,156.06	0.00	-518,668.56	1,122,245.95
12	Postsecondary Technical Education Fund	640,839.55	211,967.44	0.00	-48,614.91	804,192.08
13	Adult Basic Education Fund	-40,693.98	77,790.50	0.00	-184.08	36,912.44
14	Adult Supplementary Education Fund	47,394.19	0.00	0.00	-1,340.92	46,053.27
16	Residence Hall/Student Union Fund	2,156,170.61	231,482.90	0.00	-92,654.60	2,294,998.91
17	Bookstore Fund	673,979.66	48,778.66	0.00	-41,206.82	681,551.50
21	College Workstudy Fund	0.00	2,552.60	0.00	-2,552.60	0.00
22	SEOG Grant Fund	0.00	1,243.00	0.00	-1,243.00	0.00
24	Pell Grant Fund	402.00	208,626.00	0.00	-208,626.00	402.00
25	Student Loans Fund	0.00	949,647.00	0.00	-949,647.00	0.00
32	Grant Funds	1,297.75	60,653.18	0.00	-45,440.83	16,510.10
51	Library Bequest Fund	1,029.96	0.00	0.00	0.00	1,029.96
52	Snyder Chapel Fund	205.64	0.00	0.00	0.00	205.64
65	Student Union Revenue Bond Reserve	69,707.53	0.00	0.00	0.00	69,707.53
70	Agency Funds	382,727.67	849,869.26	0.00	-608,179.95	624,416.98
90	Payroll Clearing Fund	0.00	0.00	0.00	0.00	0.00
	TOTALS	\$8,092,937.53	\$2,875,091.98	\$0.00	-\$2,518,569.27	\$8,449,460.24
	Checking Accounts					\$6,377,298.13
	Investments					\$2,070,562.11
	Cash on Hand					\$1,600.00
	Total					\$8,449,460.24



President's Report

November 8, 2016

Good Evening Trustees,

Thank you for your continued support of the College through your leadership and gift of time. Here are a few items of interest for this month.

Enrollment

Enrollment for fall is still stable up 1.7% over this date last year. This is not much different from last month. Spring enrollment is in full swing, however, and fluctuating from day to day. The first day of classes is still about two months away, so there is still plenty of time to enroll. The same is true for the small interterm semester. Spring looks up while interterm is down. Overall the college is up 2% over this date last year.

Fall Semester 2016

CAMPUS	YEAR CODE	TERM CODE	RUN DATE	STUDENT TOTAL	CREDIT HOUR TOTAL	% INCREASE OR DECREASE
TOTAL	2014	30	11-8-15	2729	19135	
TOTAL	2015	30	11-8-16	2824	19462.5	1.71%
CHANUTE	2014	30	11-8-15	595	6363	
CHANUTE	2015	30	11-8-16	629	6446.5	1.31%
OTTAWA	2014	30	11-8-15	522	4244	
OTTAWA	2015	30	11-8-16	493	3822	-9.94%
ONL	2014	30	11-8-15	940	4540	
ONL	2015	30	11-8-16	973	4989	9.89%
ODO	2014	30	11-8-15	319	1834	
ODO	2015	30	11-8-16	352	2028	10.58%
IDO	2014	30	11-8-15	353	2154	
IDO	2015	30	11-8-16	377	2177	1.07%

Fall Interterm 2016

CAMPUS	YEAR CODE	TERM CODE	RUN DATE	STUDENT TOTAL	CREDIT HOUR TOTAL	% INCREASE OR DECREASE
TOTAL	2014	45	11-8-15	66	182	
TOTAL	2015	45	11-8-16	49	160	-12.09%
CHANUTE	2014	45	11-8-15	---	---	
CHANUTE	2015	45	11-8-16	1	3	---
OTTAWA	2014	45	11-8-15	13	25	
OTTAWA	2015	45	11-8-16	4	10	-60.00%
ONL	2014	45	11-8-15	53	157	
ONL	2015	45	11-8-16	44	147	-6.37%
ODO	2014	45	11-8-15	---	---	
ODO	2015	45	11-8-16	---	---	---
IDO	2014	45	11-8-15	---	---	
IDO	2015	45	11-8-16	---	---	---

Spring Semester 2017

CAMPUS	YEAR CODE	TERM CODE	RUN DATE	STUDENT TOTAL	CREDIT HOUR TOTAL	% INCREASE OR DECREASE
TOTAL	2014	50	11-8-15	1044	8379	
TOTAL	2015	50	11-8-16	1175	9034	7.82%
CHANUTE	2014	50	11-8-15	359	3711	
CHANUTE	2015	50	11-8-16	403	4062	9.46%
OTTAWA	2014	50	11-8-15	236	2140	
OTTAWA	2015	50	11-8-16	230	1900	-11.21%
ONL	2014	50	11-8-15	433	2401	
ONL	2015	50	11-8-16	521	2853	18.83%
ODO	2014	50	11-8-15	1	9	
ODO	2015	50	11-8-16	2	18	100%
IDO	2014	50	11-8-15	15	118	
IDO	2015	50	11-8-16	19	201	70.34%

Title III

A great deal of work is underway on an application for Title III funds. If successful the grant would bring in \$2.25 million dollars over five years to the College. Currently we are looking at adding three academic programs to the catalog along with needed facility improvements and student services. The grant is due in the spring however our grant writer is asking for the bulk of the grant to be done very early to allow for rewrites. Notification will take place in July or September with an October 1 start date. If we fail to get the grant our application remains in the system for one more year and we could be funded the next year. Longtime board members may recall that is how we got our last Title III grant – we were funded in the second year.

Fire Detection System in Gym/Student Union

Our Fire Detection System in the Gym/Student Union has fail and as a result we are on fire watch there. Kerry is attempting to get a quote from our security company so that we can move forward with installation of a new system. As this is an emergency repair we do not have to go out for quotes and I do not need Board approval to make the purchase. However, I do need to notify you of the purchase when it occurs, which I intend to do. The cost is a mystery for now, but a wild guess might be in the \$20,000 range. We hope to take the money from the Dorm/Student Union account and the Out-District Fee account.

Performance Agreements

Good news! Our 2017-2019 Performance Agreements have been approved by the Board Academic Affairs Standing Committee at KBOR and is awaiting full KBOR approval. Here is the document. Sarah did all the work here – please walk us through it:

Neosho County Community College Performance Agreement 2017-2019

Fall 2015 FTE: 1,392

Contact Person: Sarah Robb

Phone and email: 620-432-0302; sarah.robb@neosho.edu

Date:

Neosho County Community College	Foresight Goals	3yr History	AY 2017 (Summer 2016, Fall 2016, Spring 2017)		AY 2018 (Summer 2017, Fall 2017, Spring 2018)		AY 2019 (Summer 2018, Fall 2018, Spring 2019)	
			Institutional Performance	Outcome	Institutional Performance	Outcome	Institutional Performance	Outcome
1 Increase total number of certificates and degrees awarded as indicated in KHEDS	1	AY 2013 = 1137 AY 2014 = 899 AY 2015 = 935 Base line: 990						
2 Increase student performance on assessment of student learning for analytical thinking	2	AY 2013 = 78% (317/404) AY 2014 = 80% (279/347) AY 2015 = 78% (287/368) Base line: 79% (883/1119)						
3 Increase pass rate of third-party credentials and WorkKeys (if applicable)	2	AY 2013 = 96% (619/642) AY 2014 = 97% (554/573) AY 2015 = 94% (361/384) Base line: 96% (1534/1599)						
4 Strengthen student performance in developmental writing	1	AY 2013 = 72% (112/156) AY 2014 = 81% (119/147) AY 2015 = 79% (103/131) Base line: 77% (334/434)						
5 Strengthen student performance in college level English after completing developmental writing	1	AY 2013 = 63% (71/112) AY 2014 = 60% (53/88) AY 2015 = 81% (113/139) Base line: 70% (237/339)						
6 Increase student success with system wide transfer core outcomes through assessment of student learning process	1	AY 2013 = 78% (1629/21) AY 2014 = 78% (1628/21) AY 2015 = 79% (1657/21) Base line: 78% (4914/63)						

State Aid – Allotments

The State tax collection again missed estimates for the month of October, about \$12.4 million less than expected. That brings the total for this fiscal year about \$81.8 million less than expected. Later this month the Governor will be unveiling a new method by which to estimate monthly and yearly revenue which is hoped to be more accurate than the current method. This should help the legislature to better plan the budget for future years, or so it is believed.

What the deficit means to NCCC is that allotments (the ironically named mid-year cuts) may be coming. The Governor has stated that he MAY announce allotments as early as November 10 or he may fold the cuts into the budget process and allow the legislature to deal with it in the coming session. The advantage to the November 10th announcement would be to allow State agencies more time to factor the cut into their spending for the year. It is difficult to absorb a cut in the final months of the fiscal year. Be watching for that.

Wi-Fi in the Halls

Here is an important update to the often cited Maslow's Hierarchy of Need:



For several years now we have wrestled with providing Wi-Fi to the residence halls. The student demand for bandwidth grows by leaps and bounds every year. It is not uncommon for students to have 3 or 4 Wi-Fi devices each. When you multiply that times 290 students, that's a lot of required connectivity. Students no longer care about cable TV in their rooms, they watch Hulu, Netflix and HBO GO on their pads or phones. Their hunger for faster speeds is insatiable. No one likes watching Game of Thrones with multiple interruptions for network lag. They have various gaming machines too, like Xbox and PlayStation 4. All require lots and lots of Wi-Fi and other connections. And they let us know when it is slow or not working in no uncertain terms, much in the same way you might be upset when the electricity or cable is out. We have done lots of things to try making the situation better including turning on the wired (cat-5) connection in each room and adding lots of Wi-Fi nodes. We have brought in experts from Two Trees, our service provider, to give us plans for making things better.

One of the main problems is the limited number of nodes and that nodes are unlabeled. If there is one node at the end of the hallway you might have 10 rooms or 20 students on one node each with 4 devices hitting it simultaneously. That's 80 devices on one node. There might be a node close by that is relatively unused but they don't know that and stay logged into the over-used node. We experimented

by putting labels on the nodes that said “blue hallway north end” so that students would know what node is closest and that seemed to help a little. But if you have a cluster of super-users all who happen to live near each other and all hitting the same node the problem persists.

So we have decided to have Two Trees put a node in every room in NeoKan and Bideau. This will mean that the students will only have two people (their roommate and themselves) on each node. That should do it. The cost is \$27,000 total to do that and the work will be done over Thanksgiving Break. The money will come from the technology fee fund that students pay into.

Other non-residence hall students will benefit as well as we are moving the more powerful Wi-Fi nodes there in the Halls now into other places on campus to extend the signal in classroom buildings and even outdoors.

Chanute Bookstore HVAC and Flooring

The bids came back for the bookstore HVAC upgrade and they were less than \$10,000 so it does not require the sealed bid system. That work will begin over Thanksgiving Break. Following that, new flooring will be added to the Bookstore that matches the Penner Lounge area in the coming weeks. These two items should really elevate the look of the Bookstore! The Bookstore account will pay for these renovations.

Brian’s Travels and Important Dates

I have some traveling to do this month and a few important dates:

- Nov. 10th Going to Ottawa and Topeka – Meeting with the KSDE on transitioning to College
- Nov. 11th HLC Site Visit Possible at Indy, Garnett and Lawrence
- Nov. 15th Board Retreat
- Nov. 16th KBOR meeting in Emporia
- Nov. 17-18th HLC Deployment for me to Oklahoma
- Nov. 21-25th Thanksgiving Break – College Closed (basketball Tuesday though)
- Dec. 1st Erie Chamber meeting
- Dec. 2nd Ottawa First Friday
- Dec. 4-5th KACCT Meeting – Labette
- Dec. 10th Ottawa Nursing Graduation