

EAST CENTRAL COLLEGE
AD VALOREM HEARING AND
BOARD OF TRUSTEES MEETING
Monday, August 31, 2020

The public hearing for the Ad Valorem tax rate per Statute 67.110 of the Revised Statutes of the State of Missouri was opened via Zoom and called to order at 5:30 p.m. by the President of the Board of Trustees, Ann Hartley. Other Board members present for the meeting were Joseph Stroetker, Prudence Fink Johnson, Cookie Hays, Eric Park and Audrey Freitag. Also present were President of the College Jon Bauer; Administrators –Vice President of Academic Affairs Robyn Walter, Vice President of External Relations Joel Doepker and Interim Vice President of Student Development Paul Lampe; Faculty – Faculty Association President Reginald Brigham, NEA Vice President Sue Henderson, and Accounting/Business Instructor Tanner French; Other Staff – Executive Director of Institutional Effectiveness Michelle Smith, Human Resources Director Wendy Hartmann, Foundation Executive Director Bridgette Kelch, Director of the Rolla Campus Christina Ayres, Communications & Marketing Director Gregg Jones, Financial Services Director Annette Moore, Coordinator of Campus Life & Leadership Emily Lewis, Adult Education & Literacy Director Alice Whalen, Executive Assistant to the President Bonnie Gardner, Classified Staff Association President Hannah Domino, and Professional Staff President Jenny Kuchem

Also present was Kristen Dragotto from the *Missourian*.

PUBLIC NOTICE: In accordance with Missouri Law 67.110, notice is hereby given to the residents of the Junior College District of East Central Missouri that a public hearing on the 2020 ad valorem tax rates will be held at 5:30 p.m. on Monday, August 31, 2020. Due to the COVID-19 pandemic, the hearing will take place via videoconference, which is available to the public, at which citizens may be heard on the property tax rates proposed to be set by East Central College. The hearing will be accessible via Zoom: <https://zoom.us/j/93896096560>.

The tax rate is set to produce revenues of at least \$6,977,522 which the operating budget for the fiscal year beginning July 1, 2020 shows to be required from the property tax. The debt service levy is set to produce revenues of at least \$1,536,650 which is required to meet the debt service of East Central College for the calendar year beginning January 1, 2021. The valuation of the taxable property within said District for the current and prior tax years are as follows:

	<u>Current Tax Year</u>	<u>Prior Tax Year</u>
Real Estate	\$1,502,379,241	\$1,478,979,138
Personal Property	<u>\$388,770,134</u>	<u>\$377,543,931</u>
Totals	\$1,891,149,375	\$1,856,523,069

The proposed operating tax levy for 2020 shall be .37 per one hundred dollars assessed valuation on the above current valuation.

The proposed debt service levy for 2020 shall be .0841 per one hundred dollars assessed valuation on the above current valuation.

The tax rates are subject to change based upon actions by county boards of equalization, the State Tax Commission, subsequent information, applicable law, and certification by the State Auditor.

PUBLIC COMMENTS: Board President Hartley asked for comments or questions from the audience. There were no comments from the public.

AD VALOREM TAX RATE: Dr. Bauer noted that the debt service levy remains at the same level that was committed to when the voters passed the latest bond issues.

Motion: To **approve** a resolution to set the 2020-2021 Junior College District of East Central Missouri Property Tax Rate for Operating Tax Levy at \$0.37 and the Debt Service Levy at \$0.0841 per \$100 of assessed valuation subject to certification by the state auditor.

Motion by Eric Park; Seconded by Prudence Johnson; Carried Unanimously

ADJOURNMENT: A motion was made to adjourn the hearing.

Motion: To **adjourn** the August 31, 2020, Ad Valorem Tax Hearing at 5:35 p.m.

Motion by Cookie Hays; Seconded by Eric Park; Carried Unanimously

President, Board of Trustees

Secretary, Board of Trustees

**EAST CENTRAL COLLEGE
BOARD OF TRUSTEES MEETING
Monday, August 31, 2020**

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order at 5:35 p.m. by Board President Ann Hartley. Other Board members present for the meeting were Joseph Stroetker, Prudence Fink Johnson, Cookie Hays, Eric Park and Audrey Freitag. Also present were President of the College Jon Bauer; Administrators –Vice President of Academic Affairs Robyn Walter, Vice President of External Relations Joel Doepker and Interim Vice President of Student Development Paul Lampe; Faculty – Faculty Association President Reginald Brigham, NEA Vice President Sue Henderson, and Accounting/Business Instructor Tanner French; Other Staff – Executive Director of Institutional Effectiveness Michelle Smith, Human Resources Director Wendy Hartmann, Foundation Executive Director Bridgette Kelch, Director of the Rolla Campus Christina Ayres, Communications & Marketing Director Gregg Jones, Financial Services Director Annette Moore, Coordinator of Campus Life & Leadership Emily Lewis, Adult Education & Literacy Director Alice Whalen, Executive Assistant to the President Bonnie Gardner, Classified Staff Association President Hannah Domino, and Professional Staff President Jenny Kuchem

Also present was Kristen Dragotto from the *Missourian*.

The meeting was held via Zoom due to the current COVID-19 pandemic and social distancing recommendations. The Zoom link was included on the published agenda.

Dr. Bauer recognized the service of Don Means, a charter member of the Board of Trustees, who passed away on August 28. Mr. Means served from 1968 to 1992 as a representative of sub-district three. A moment of silence was observed.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF AGENDA: Each item on the consent agenda shall be deemed to have been duly approved with the same validity as if each action were separately moved, seconded and adopted.

Motion: To **approve** the agenda for the August 31, 2020 meeting of the Board of Trustees.

Motion by Joseph Stroetker; Seconded by Audrey Freitag; Carried Unanimously

***APPROVAL OF MINUTES:** The Board approved the minutes of the July 16, 2020 regular meeting of the Board of Trustees.

TREASURER’S REPORT AND FINANCIAL REPORT: Dr. Bauer presented preliminary end of fiscal year (June 30, 2020) numbers.

Motion: To **approve** the treasurer’s report, the financial report and the payment of bills subject to the annual audit.

Motion by Eric Park; Seconded by Prudence Johnson; Carried Unanimously

PRE-AUTHORIZATION OF GRANT FUNDED PURCHASES: The College has been awarded a U.S.D.A. Rural Business Development Program grant totaling \$180,704 for the purchase of upgraded simulation equipment for the health sciences lab. The Board was asked for authorization to proceed with awarding a purchase contract so the equipment can be put in place as soon as possible.

Motion: To **authorize** in advance items to be purchased with funds from the U.S.D.A. Rural Business Development Program grant to upgrade equipment in the Health Sciences simulation lab.

Motion by Joseph Stroetker; Seconded by Eric Park; Carried Unanimously

EMPLOYEE INSURANCE: The FY21 budget includes a 10% increase for medical insurance premiums, and the renewal rate was anticipated to be higher. Anthem’s proposal was within budget without modifications to the benefit plan. The Insurance Committee will review brokerage services later in the fall and issue a request for proposal for next year.

Motion: To **approve** the following carriers to provide insurance benefits for employees in 2021:

Medical Insurance	<i>Anthem – 10% increase in rate</i>
Dental Insurance	<i>Delta Dental – no change in rate</i>
Vision Insurance	<i>EyeMed – no change in rate</i>
Life/Accidental Death & Dismemberment, Long-Term Disability	<i>Anthem – no change in rates</i>

Motion by Audrey Freitag; Seconded by Prudence Johnson; Carried 4-0 with Joseph Stroetker and Cookie Hays abstaining

MEDICARE ADVANTAGE INSURANCE:

Motion: To **approve** renewal of the Medicare Advantage plan with United Healthcare as the group Medicare Part C plan offered to eligible retirees at no cost to the College.

Motion by Eric Park; Seconded by Prudence Johnson; Carried 4-0 with Joseph Stroetker and Cookie Hays abstaining

PROPOSED NEW BOARD POLICIES: 3.32 STUDENT TITLE IX SEXUAL HARASSMENT AND 5.49 EMPLOYEE TITLE IX SEXUAL HARASSMENT: Dr. Bauer indicated there are two separate policies, one written for students and one written for employees, that reflect the July presentation by Kate Nash of Tueth Keeney. These policies were developed by legal counsel and presented to the Shared Governance Council. The Council elected not to endorse them because they are legal compliance policies and employee input would not impact the substance of the policies.

Motion: To **waive** the second reading and **adopt** Board Policies & Procedures 3.32 Student Title IX Sexual Harassment and 5.49 Employee Title IX Sexual Harassment.

Motion by Joseph Stroetker, seconded by Prudence Johnson, approved unanimously

STRATEGIC PLAN UPDATE: An update on the strategic plan, which was adopted one year ago at the August Board meeting, was provided. Dr. Bauer reviewed the process for development of the plan and noted that the plan was reviewed during the Fall 2020 In-Service Opening Session.

Following that review, employees spent time in subgroups to discuss how the values were lived out or where there is room for improvement. Those comments are currently being assessed.

Dr. Bauer provided highlights under each of the five strategies:

Pathways

- multi-semester academic course schedule developed
- milestone courses identified in each pathway
- Falcon Seminar redesigned
- credit hour production did not meet the target for fall and continues to be an area of focus
- exceeded target for degree and certificate awards

Partnerships

- Three for Free continues to be a very popular program with increased enrollment
- Early College has been implemented with Union High school; this continues to be an area of opportunity for the College
- exceeded target for students transferring to four-year schools
- increased the number of training partnerships with businesses

Employees

- working to provide professional development
- looking at strategies for the compensation schedule
- focused on collaboration across employee groups

Rolla

- Rolla Summit rescheduled to September 18

Financial Strength

- Center for Workforce Development has seen growth and the bookstore continues to bring in revenue
- Café Central has not had the volume needed; will continue to review operations and explore third party providers
- alternative revenue sources such as grants will continue to be pursued
- Composite Financial Index (CFI) without pension liability has been improving

COVID-19 UPDATE: Information is provided on the College webpage regarding COVID-19 cases on campus. Campus data, as well as data from surrounding areas, is continuously reviewed. Dr. Bauer shared a dashboard that is maintained by Dr. Michelle Smith to track this data. When a student or employee tests positive they are isolated and contact tracing occurs. Anyone on campus with close contact is quarantined. Positive student tests occurred prior to the start of the semester and the employees testing positive are in roles where there is no contact with students.

Officials from Phelps and Franklin Counties have provided feedback on the campus reopening plan and have discussed with administrators how they will approach a positive case in a classroom. A COVID-positive student does not necessarily mean the entire class would be quarantined; those with close contact would be quarantined.

Kiosks with contactless thermometers, face masks, and hand sanitizer have been placed at entrances to all buildings. A temperature check is not required for entry; these thermometers are provided as a convenience for those who want to check their temperature. Plexiglass shields have been placed in transactional areas, social distancing and masks are required and additional cleaning/sanitizing is occurring.

Employees are permitted to work from home (if possible) when quarantined and have various forms of leave available. Meetings are being held by Zoom unless there is a compelling reason for an in-person meeting in a socially distanced environment. Faculty have developed contingency plans for switching to remote learning if necessary. There is no single measure recommended by local health authorities for moving to remote learning. Campus trends, as well as community trends, will be considered.

Dr. Bauer noted that there are federal funds that have been allocated in various forms to assist with costs related to the pandemic. Under the CARES Act, ECC received \$825,661 to be awarded to students in the form of grants. To date, about half of that money has been claimed by eligible students; all must be expended by April 21, 2021. The college also is allocated the same amount of money that can be used for supplies and staff time spent on COVID-19 response. The college's allocation under the Governor's Emergency Education Relief fund (GEER) is \$221,601 and must be spent by June 15, 2021. The CRF allocation is \$473,565 and must be expended by November 10, 2020. There is also a CRF allocation for remote learning that will provide \$113,500 for technology expenses to support remote learning. Expenses that best fit under each category are being identified and will be submitted for reimbursement. Vice President Joel Doepker is overseeing the administration of these funds in conjunction with Annette Moore. The funds will be reviewed as part of the college's annual audit and will be subject to audit at the state level as well. Items that were purchased at a cost above the \$15,000 Board approval threshold were authorized under the emergency authority and include laptops/hardware for use in remote learning/remote work, sanitization kiosks for the buildings, and virtual clinical software and licensing. The president's emergency authority ends on August 31.

***PERSONNEL:** The Board **accepted** the resignation of J.C. Crane, Director of Admissions, effective July 31, 2020. The Board also **approved** adjunct faculty for fall semester 2020 as shown on the attached memorandum.

BOARD PRESIDENT'S REPORT: Ms. Hartley expressed appreciation to everyone at the college for "going above and beyond" to support students during the pandemic and to help balance the FY21 budget. She indicated the Board will return to regular meetings as soon as it is safe to do so.

REPORTS:

- A. FACULTY ASSOCIATION REPORT:** Faculty Association President Reg Brigham reported that faculty efforts have been focused on getting the semester underway and working through uncertainties caused by the pandemic.
- B. ECC-NEA:** ECC-NEA Vice President Sue Henderson reported that the association is working on items identified in the supplemental letters to the collective bargaining agreement.
- C. PROFESSIONAL STAFF ASSOCIATION REPORT:** Professional Staff Association President Jenny Kuchem reported that the Aviso app has been rolled out for students. Becki Heiman is now serving as vice president of the association. There was a very low number of students who had their classes purged for nonpayment due to the efforts of Stephanie Hebert and staff in Financial Aid.

D. CLASSIFIED STAFF ASSOCIATION REPORT: Classified Staff Association President Hannah Domino indicated the association had no report at this time.

PRESIDENT'S REPORT: Dr. Bauer reported that enrollment is down 1.5 percent in headcount and three percent in credit hours at this point. The FY21 budget was built with an assumption of a ten percent enrollment decrease. All 12 community colleges have seen an enrollment decrease in varying amounts. Dual enrollment numbers are still coming in and could change the final enrollment picture.

The audiovisual equipment upgrades for the lecture hall in Hansen Hall approved in July have been purchased and installed. There were four bidders with Wired Technology Electronic Systems awarded the contract at a cost of \$16,048. Dr. Bauer noted that this room is one of the few areas that can accommodate a large number of students with social distancing.

A request for proposals for repairs to the pedestrian bridge has been issued and a recommendation will be brought to the Board later in the fall.

Fall sports have been moved to the spring semester. Teams are allowed to condition, practice and scrimmage this fall. ECC is following NJCAA protocols for COVID testing. All athletes were negative at the initial test (with two still needing to be tested).

The semester is off to a good start despite some technology issues on the first day.

ADJOURNMENT:

Motion: To adjourn the August 31, 2020 public Board of Trustees meeting at 6:50 p.m.

Motion by Eric Park; Seconded by Cookie Hays; carried unanimously.

President, Board of Trustees

Secretary, Board of Trustees

3.32 Student Title IX Sexual Harassment *(Adopted 8-31-2020)*

Statement of Nondiscrimination Policy and Prohibition on Sexual Harassment

East Central College is committed to maintaining an environment that is free of discrimination on the basis of sex within its educational programs and activities. The College cannot and will not tolerate discrimination against or harassment of any individual or group based upon race, sex, color, religion, ethnic or national origin, genetic information, age, disability, sexual orientation, gender identity, gender expression, veteran's status, or any factor that is a prohibited consideration under applicable law. The prohibition on sex discrimination also prohibits Sexual Harassment, as defined in this policy.

The Nondiscrimination Policy applies to registered or enrolled students, College employees, contractors, vendors, visitors, guests, or other third parties.

Procedures *(Adopted 8-31-2020)*

3.32.1 Scope of Title IX Sexual Harassment Grievance Process

The Sexual Harassment Grievance Process pertains to Sexual Harassment under Title IX, as defined by this policy, committed by students against either students and/or employees, when: (1) the conduct occurs on campus or other property owned or controlled by the College; or (2) the conduct occurs in the context of a College employment or education program or activity within the United States. The College's education program and activities includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which harassment occurs, and includes any building owned or controlled by a student organization that is officially recognized by the College.

All members of the East Central College community have the right to submit a complaint or raise concerns regarding Sexual Harassment under Title IX pursuant to this Policy without fear of retaliation.

A complete copy of College's Title IX Sexual Harassment Policy can be accessed online. Hard copies are available at the Title IX Coordinator's office and the Title IX Deputy Coordinator's office.

Complaints that do not fall under the scope of this process will be handled through student conduct policies, including the Student Conduct Policy (3.17) and the Student Protection Against Discrimination and Harassment Policy (3.25).

3.32.2 Definitions

Sexual Harassment – Sexual Harassment is conduct based on sex that may be one or more of following:

- 1) Employee conditioning provision of an aid, benefit, or service on an

individual's participation in unwelcome sexual conduct (i.e., a quid pro quo), or

- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- 3) Sexual assault, stalking, dating/domestic violence, as defined herein.
 - Sexual Assault – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
 - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person,
 - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person,
 - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object,
 - Touching of another person's genitals or breasts under or over the clothing, or
 - Touching of one person with the genitals of another person under or over the clothing.
 - Domestic Violence - Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media.
 - Dating Violence – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Complainant – A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy, in connection with his or her participation in or attempt to participate in an educational program or activity of the College. A Complainant may be a

student, an employee, or a third party.

Respondent – A Respondent is an individual who is purported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent need not be affiliated with the College in any respect.

Title IX Advisor – A Title IX Advisor is an individual who supports a Complainant or Respondent through the Title IX Sexual Harassment Grievance Process. Each party has the right to select an advisor of their choice, and for that advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. A Title IX Advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as advisor. The College will appoint a Title IX Advisor at no cost to the party to conduct cross-examination during the grievance process hearing if a party does not have a Title IX Advisor.

Consent – An affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. The person initiating sexual activity must obtain the other person's consent throughout the duration of the sexual activity. Consenting persons must act freely, voluntarily, and have knowledge of the act or transaction involved. Consent will not be implied by silence or mere passivity from a state of intoxication or unconsciousness; it may not be inferred in circumstances in which consent is not clear, including, but not limited to situations that involve the absence of "no" or "stop," or those that involve the existence of a prior or current relationship or sexual activity. Consent cannot be given if the Respondent has taken advantage of a position of influence which that person has over the Complainant. Consent cannot be given by an individual who is incapacitated through the effect of drugs or alcohol or for any other reason. Consent may be withdrawn at any time.

3.32.3 Title IX Coordinator

The Title IX Coordinator is charged with monitoring East Central College's compliance with Title IX, ensuring appropriate education and training, coordinating investigations, responses, and resolution of all reports pursuant to this Policy. In his or her discretion, the Title IX Coordinator may also designate Deputy Title IX Coordinators to assist in the discharge of these duties.

Any questions or concerns regarding the College's application of this policy may be addressed to the Title IX Coordinator.

The Title IX Coordinator and Deputy Title IX Coordinator may be reached in person during regular office hours, or by telephone, written correspondence, email, or other electronic communication at any other time.

Paul Lampe
Title IX Coordinator

Wendy Hartmann
Title IX Deputy Coordinator

Section 504 Administrator
Vice President of Student Development
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3.32.4 Resources and Information for Victims of Sexual Harassment

The first priority for any victim of sexual assault or relationship violence is to receive appropriate medical attention for any medical injuries and to preserve evidence in the event the Complainant chooses to pursue a complaint. The College will maintain and publish information containing resources and guidance for victims of sexual assault, relationship violence and stalking. Such information will be maintained in the College's Annual Security Report and the College's Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies will also be maintained by the College's Title IX Coordinator, who will make such information available to any interested person.

3.32.5 How to Report Potential Violations of This Policy

1. Reporting Options

The College encourages the reporting of all incidents of Sexual Harassment, including, but not limited to, sexual assault, relationship violence, and stalking. The decision to report such incidents is a deeply personal and often difficult decision but is often a way for the victim to begin healing. Such reporting may also help prevent future incidents of a similar nature from occurring. Victims are not required, however, to report such incidents, and will not be penalized if they choose not to report an incident to law enforcement or to the Title IX Coordinator.

a. Report to the Title IX Coordinator or to a Responsible Employee

Individuals who believe they have been subjected to, or are aware that another individual has been subjected to, Sexual Harassment in connection with a College education program or activity, and who wish to report a potential violation of this Policy should notify the Title IX Coordinator or Deputy Title IX Coordinator.

Reports can be made through email, by phone, in person, or by mail.

Upon receipt of any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, explain the process for filing a formal complaint, and to provide information about other reporting options and available resources as applicable.

While reports to College counselors will remain confidential, all other

employees are required to report the information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking to the Title IX Coordinator.

Reporting Sexual Harassment to the Title IX Coordinator does not automatically start the grievance process – the Title IX Coordinator will explain to the Complainant how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Harassment in order to obtain supporting measures and resources – an individual making a report of Sexual Harassment is not required to file a Formal Complaint.

There is no time limit on reporting Sexual Harassment, though the College encourages prompt reporting, as delayed reporting may hinder the College’s ability to complete the grievance process.

b. Confidential Reporting

Individuals may make a confidential report to a College counselor. Counseling services are available at no cost to students and referrals to community resources are available. College counselors can also help the alleged victim identify other available College resources.

All other employees are mandated to report the information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking to the Title IX Coordinator and cannot keep reports confidential.

The College will keep confidential the identity of Complainants, Respondents, and witnesses involved in Title IX hearings, except when disclosure is required by law or as necessary to carry out the purposes of this Policy.

c. Other Reporting Options and Resources

Individuals may make a criminal report with local law enforcement, or appropriate jurisdiction. College personnel are available to assist individuals with contacting the appropriate jurisdiction for making such a report.

In addition to pursuing criminal or College disciplinary proceedings, individuals may wish to obtain an order of protection, no-contact order, or restraining order from the relevant jurisdiction. Such orders are enforced by the local law enforcement agency in the relevant jurisdiction.

d. Amnesty

In investigating and responding to complaints of Sexual Harassment, the College’s primary focus is to address the Sexual Harassment, and, in most cases, the College will grant amnesty to a Complainant or witness for other potential violations, such as alcohol violations. Such

potential violations should not discourage a Complainant from notifying the College of incidents of Sexual Harassment.

2. Offer and Provision of Supportive Measures

Upon receipt of a report, the Title IX Coordinator will promptly and confidentially reach out to the Complainant to discuss the availability of a variety of supportive measures. Supportive measures should also be offered to the Respondent as necessary and appropriate.

Supportive measures are designed to restore or preserve equal access to the College's education programs and activities, protect the safety of all parties and the educational environment, or deter Sexual Harassment. These supportive measures should be non-disciplinary, non-punitive, individualized, and provided free of charge. They must be offered regardless of whether a Formal Complaint is filed and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures.

Examples of supportive measures include, but are not limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Additional academic support
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work locations or assignments
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

3. Emergency Removal

The College reserves the right to remove a student Respondent from its educational program or activity on an emergency basis. Such a removal may only occur if, after an individualized safety and risk analysis, the College determines an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event a decision is made to remove a Respondent, he or she will be provided with notice by the Title IX Coordinator, and given the opportunity to challenge that decision immediately following the removal by submitting a request in writing to the Title IX Coordinator.

3.32.6 Filing a Formal Complaint of Sexual Harassment

In the event that a Complainant wishes for the College to proceed with an investigation and hearing into the allegations of Sexual Harassment pursuant to the grievance process procedures in this Policy, he or she must file a Formal Complaint. A Formal Complaint is a document alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation

of Sexual Harassment. The Complainant must be participating in or attempting to access a College education program or activity at the time the Formal Complaint is submitted.

A Formal Complaint must be in written form, but it may be submitted in person, by mail, or by email. It must be signed by the Complainant but the required signature may be physical or digital.

A Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A Title IX Coordinator may only sign a Formal Complaint after he or she has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the College responds to the report of Sexual Harassment. The Title IX Coordinator should balance campus safety concerns with respect for survivor autonomy.

The Title IX Coordinator may consolidate Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

3.32.7 Dismissal of Formal Complaints

Upon receipt of a Formal Complaint, the Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. Although the allegations may still be investigated and resolved pursuant to another College policy (as noted above), Formal Complaints of Sexual Harassment brought pursuant to this policy must be dismissed if:

- 1) The conduct alleged would not constitute Sexual Harassment as defined in this Policy;
- 2) The conduct did not occur in connection with a College education program or activity;
- 3) The conduct did not occur against a person in the United States.

Furthermore, the Title IX Coordinator may, in his or her discretion, determine that even though it meets the basic threshold requirements to proceed, a particular Formal Complaint should be dismissed. Specifically, a Formal Complaint may be dismissed if:

- 1) Complainant notified Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations within;
- 2) Respondent is no longer enrolled or employed by the College;
- 3) Specific circumstances prevent the College from gathering evidence to reach a determination.

After an initial review of the Formal Complaint, the Title IX Coordinator will continue to monitor the investigation and evaluate the Formal Complaint to

determine if the above criteria for dismissal apply. Following any dismissal of a Formal Complaint, the Title IX Coordinator will simultaneously send a written notice to the parties of the dismissal and the reasons for the dismissal.

To the extent the behavior alleged in the Formal Complaint could constitute a violation of another College policy, it may be pursued under that policy. The Title IX Coordinator has the discretion to refer the allegations to the appropriate College official.

3.32.8 Informal Resolution

After a Formal Complaint has been filed, if both Complainant and Respondent give voluntary, informed, written consent, the College will assist the parties in reaching an informal resolution to the allegations of Sexual Harassment in the Formal Complaint. An informal resolution cannot be used for Formal Complaints that contain allegations that an employee sexually harassed a student.

3.32.9 Prohibition of Retaliation

The College expressly prohibits retaliation against any individual for exercising their Title IX rights under this Policy. No individual may be discriminated against, intimidated, threatened, or coerced for the purpose of interfering with his or her Title IX rights, or because the individual has made a report pursuant to this Policy, testified, assisted, participated, or refused to participate in a Title IX investigation, proceeding, or hearing.

If an individual feels that he or she has been subject to retaliation pursuant to this Policy, he or she should notify the Title IX Coordinator as soon as possible.

3.32.10 Sexual Harassment Grievance Process Procedures

If any party believes that the Title IX Coordinator has a conflict of interest or bias for or against the individual parties and/or for or against complainants or respondents generally, that party should report their concern to the College President. If the College President finds that a conflict of interest or bias exists, the President will designate another individual to serve as Title IX Coordinator for the purposes of the specific grievance process involving the parties.

The Respondent will be presumed not responsible for the policy violation that is alleged in the Formal Complaint unless and until the respondent is found responsible by the Hearing Decision Maker at the conclusion of the grievance process.

The grievance process generally will be completed within 120 days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party,

a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

3.32.11 Sexual Harassment Grievance Process – Notice

Within five (5) working days of receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect and review evidence gathered during the investigation, and that the Student Conduct Policy 3.17.1 prohibits knowingly furnishing false information to the College (<https://www.eastcentral.edu/board-policies/3-17student-conduct-policy/>).

If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, the Title IX Coordinator or designee will issue a supplemental written notice to the parties.

Parties will also be provided with notice of all meetings, interviews, or hearings with sufficient time to prepare for any meeting, interview, or hearing. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

3.32.12 Sexual Harassment Grievance Process – Title IX Advisors

Each party has the right to select a Title IX Advisor of their choice, and for that Title IX Advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. A Title IX Advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as a Title IX Advisor.

Parties must provide notice of who will serve as their Title IX Advisor during any grievance hearings at least five (5) working days prior to the hearing. If a party does not have a Title IX Advisor for a grievance hearing, a Title IX Advisor will be selected by the Title IX Coordinator and will be provided at no cost to the party for the purpose of cross examination during the hearing. This appointed Title IX Advisor may be a College employee or may be an outside individual contracted to serve in the role of Title IX Advisor.

Title IX Advisors may offer advice to and confer with the party during any meeting, interview, and/or hearing, but generally may not speak on behalf of the party. The only time a Title IX Advisor may speak on behalf of the party is to conduct cross examination questioning during a grievance hearing. Title IX

Advisors are expected to comply with the Rules of Procedure and Decorum for hearings and remain respectful throughout the entire grievance process.

Any Title IX Advisor who fails to comply with these policies, the Rules of Procedure and Decorum for hearings, and/or who does not treat all others with respect throughout the grievance process may be warned by the Title IX Coordinator, Investigator, and/or Hearing Decision Maker for his or her first infraction. A Title IX Advisor may be asked to leave the grievance proceeding if after being warned he or she continues to violate these policies or the Rules of Procedure and Decorum for a hearing, and/or continues to not treat others with respect. If an advisor is asked to leave a meeting, interview, or hearing, the proceeding will end and be continued at another time when the party has a Title IX Advisor. Whether an advisor who has been asked to leave a proceeding may serve as a Title IX Advisor to the party at a later meeting, interview, or hearing will be a decision in the sole discretion of the Title IX Coordinator.

3.32.13 Sexual Harassment Grievance Process - Investigation

The Title IX Coordinator or designee will designate an Investigator to conduct a fair, thorough investigation of the allegations in the Formal Complaint. In general, the Vice President of Student Development will investigate complaints against student Respondents. The College may designate an outside investigator as Investigator. The Investigator will have received training as outlined in Section 3.32.18 of this policy.

The Investigator will provide written notice of any meetings or interviews to the parties and/or witnesses at least three (3) working days in advance of the meeting or interview. This notice will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting.

The burden will be on the Investigator to fully and fairly investigate the allegation in the formal complaint. All parties will have an equal opportunity to present witnesses and evidence to the Investigator.

At the conclusion of the investigation, the Investigator will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their advisors for inspection and review. The parties will then have ten (10) days in order to submit a written response to the evidence, if they choose to do so. The Investigator will consider any written response to the evidence before the completion of the investigative report. The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing.

The Investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigator.

The Investigator will send a copy of the report to the parties and their advisors at least ten (10) days prior to any hearing for the parties' review and written response.

3.32.14 Sexual Harassment Grievance Process – Hearing

After the conclusion of the investigation, a live hearing will be held before a Hearing Decision Maker. The Hearing Decision Maker will be appointed by the Title IX Coordinator and may be a single individual or a panel. A single Hearing Decision Maker may be a member of the College community or may be an outside individual contracted to serve in the role. A panel Hearing Decision Maker may include members of the College Community and/or outside individuals contracted to serve on the panel. The Hearing Decision Maker will have received training as outlined in Section 3.32.18 of this policy. The Hearing Decision Maker will issue notice of the hearing to the parties, including the date, time, and location of the hearing. This notice will be provided at least ten (10) working days before the hearing.

The hearing will be held pursuant to the Rules of Procedure and Decorum. At the request of either party, the hearing will be held with the parties in separate rooms or locations, with the parties Hearing Decision Maker able to simultaneously see and hear each other through technology. Whether the hearing is conducted virtually or in person, it will be recorded.

The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing. All parties may refer to such evidence and may use it in cross examination. The Investigator will provide a copy of the investigative report and all evidence that is relevant to the allegations in the formal complaint to the Hearing Decision Maker. However, the Hearing Decision Maker may not defer to the investigative report and must objectively evaluate all relevant evidence and independently reach a determination regarding responsibility.

The Investigator, Complainant, and Respondent all have the ability to testify and call witnesses at the hearing, and to provide evidence to the Hearing Decision Maker, who will have the opportunity to ask questions of all parties and witnesses during the hearing.

After the Hearing Decision Maker asks their questions, each party's Title IX Advisor will have the opportunity to ask all relevant and follow up questions of the other party and all witnesses during cross examination. No party shall be questioned directly by the other party. Title IX Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any Title IX Advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Decision Maker.

The Hearing Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's

absence from the hearing or refusal to answer questions during the hearing, including cross examination.

In general, the Hearing Decision Maker cannot rely on any statement by a party or witness who does not submit to cross-examination during the course of the hearing in reaching a determination on responsibility. However, in very limited circumstances, the Hearing Decision Maker may consider statements by Complainants and Respondents that are against the individual's interest even if that individual does not submit to cross-examination. A statement against interest is a statement that could expose the individual to a finding of responsibility and sanctions, or a statement that tends to invalidate an individual's complaint against another. For example, if during an interview with an Investigator, a Respondent makes a statement admitting to the alleged conduct that would violate this policy, or a Complainant makes a statement that information in the Formal Complaint was false, then the Hearing Decision Maker may consider those statements even if the individual does not submit to cross-examination.

The Hearing Decision Maker will state whether each question is relevant before the questions is answered by the party or witness to whom it is directed and explain any decision to exclude a question as not relevant. If the Hearing Decision Maker is a panel, the panel will designate one member as chair, and that individual will determine and state whether each question is relevant. Questions or evidence that are deemed irrelevant by the Hearing Decision Maker will be excluded from the hearing. Formal rules of evidence shall not apply.

The following types of evidence must be considered irrelevant by the Hearing Decision Maker:

- 1) Evidence that is not pertinent to proving whether a fact material to the allegation is more or less likely to be true;
- 2) Information that is protected by privilege (e.g. attorney-client privilege);
- 3) Any party's medical, psychiatric, psychological, or counseling records without that party's voluntary, written consent;
- 4) Any information about the Complainant's sexual predisposition or prior sexual behavior, unless it is offered to prove that someone other than the Respondent committed the behavior alleged in the formal complaint or offered to prove consent.

3.32.15 Sexual Harassment Grievance Process - Determination of Responsibility

The Hearing Decision Maker will issue a written determination whether the Respondent is responsible for the policy violations alleged in the Formal Complaint within five (5) working days of the conclusion of the hearing. The Hearing Decision Maker must determine the weight of the evidence and credibility of the parties in reaching a determination.

The written determination shall include:

- 1) An identification of the allegations in the Formal Complaint;

- 2) A description of procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices, interviews, investigations, and hearings;
- 3) Findings of fact that support the determination,
- 4) Conclusions regarding the application of the policy to the facts;
- 5) A statement and rationale for the result for each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant; and
- 6) The procedures and acceptable bases for appeal of this determination.

The standard of proof will be "preponderance of the evidence," which means whether the evidence shows it is more likely than not that a policy violation occurred.

The written determination will be provided simultaneously to all parties. The determination will become final and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, after the deadline to file an appeal.

3.32.16 Sexual Harassment Grievance Process - Sanctions and Remedies

If the Respondent is found responsible for any violations of policy, then the Hearing Decision Maker will determine what disciplinary sanctions will be imposed on the Respondent and what remedies designed to restore and preserve equal access to the College's educational programs will be offered to the Complainant.

The possible sanctions that can be imposed on a student Respondent found responsible include:

- 1) Warning: A verbal admonition by a College official regarding a violation of the Student Conduct Code.
- 2) Fines, community service, rehabilitation or other restitution: A monetary fee, assigned task or other means of reparation.
- 3) Disciplinary Probation: A status resulting from a finding of misconduct. The student remains enrolled but under stated conditions.
- 4) Disciplinary Suspension: An involuntary separation of the student from the institution for a specified period of time due to misconduct. Student may be re-admitted following a specified period of time.
- 5) Expulsion: Permanent loss of student status due to misconduct. Other stated conditions may be applied.

In addition to sanctions imposed on the Respondent, remedies can be offered to the Complainant in order to restore and preserve equal access to the College's educational program and activities. Remedies may be, but are not limited to, a continuation of previously offered supportive measures. Additionally, remedies may burden the Respondent or be punitive/disciplinary in nature.

3.32.17 Sexual Harassment Grievance Process – Appeals

Any party may appeal the determination of responsibility or a dismissal of a Formal Complaint by submitting a written request to the College President within five (5) working days of the issuance of the Hearing Decision Maker's determination of responsibility. The request should include a short statement outlining the basis for appeal.

Appeals are limited to the following bases:

- 1) Procedural irregularity that affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time of the determination of responsibility or the dismissal of the Formal Complaint that would affect the outcome of the matter; or
- 3) The Title IX Coordinator, Investigator, or Hearing Decision Maker had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter.

The College President will notify the parties in writing that an appeal has been filed. Each party will then have ten (10) working days to submit a written statement in support of or challenging the outcome of the hearing.

The College President will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within seven (7) working days of the deadline for parties to submit their written statements. The College President's written determination will be provided simultaneously to all parties.

3.32.18 Training

In addition to the information contained in this Policy, the College will, in accordance with the Campus Sexual Violence Act ("SaVE Act"), provide training and information to members of the campus community regarding the following topics:

1. Safe and positive steps an individual may take to intervene to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against another person;
2. Information about how to recognize warning signs of abusive behavior in order to mitigate the likelihood of perpetration, victimization, or bystander inaction;
3. Awareness campaigns and prevention programs intended to stop domestic violence, dating violence, sexual assault, and stalking before they occur, and to increase campus awareness and share information and resources for the same purpose;
4. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both within the institution and in the community;

The College will distribute this information to members of the campus community through the College's Annual Security Report and the College's Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies will also be maintained by the College's Title IX Coordinator, who will make such information available to any interested person.

Additionally, the College will ensure that the Title IX Coordinator, Investigator, Hearing Decision Maker, and any person who facilitates an informal resolution has received training on:

- The definition of Sexual Harassment as set out in this policy;
- The definition of Consent under this policy and how to apply the definition of Consent consistently and impartially;
- The scope of the College's education program or activity;
- How to conduct the grievance process, including investigations, hearings, appeals, and informal resolutions (as applicable); and
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Hearing Decision Makers will also receive training on:

- How to operate any technology used in conducting a hearing; and
- How to determine relevance of questions and evidence, including the provisions of this policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior

Investigators will also receive training on:

- How to determine if evidence is relevant to an investigation; and
- How to create an investigative report that fairly summarizes relevant evidence.

All training materials used by the College must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, Hearing Decision Maker, and any individual who facilitates an informal resolution must be made publicly available. These materials will be published online.

3.32.19 Recordkeeping

The Title IX Coordinator must create and maintain for a period of at least seven years records of any actions, including any supportive measures taken in response to a report or formal complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document: 1) the basis for the conclusion that the College's response was not deliberately indifferent, and 2) that the College has taken measures designed to restore or preserve equal access to the College's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript from a grievance hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal from a grievance process and the result of the appeal;
- Records related to any informal resolution and the result of the informal resolution;
- All materials used to train the Title IX Coordinators, Investigator, Hearing Decision Maker, and any individual who facilitates an informal resolution.

5.49 Employee Title IX Sexual Harassment *(Adopted 8-31-2020)*

Statement of Nondiscrimination Policy and Prohibition on Sexual Harassment

East Central College is committed to maintaining an environment that is free of discrimination on the basis of sex within its educational programs and activities. The College cannot and will not tolerate discrimination against or harassment of any individual or group based upon race, sex, color, religion, ethnic or national origin, genetic information, age, disability, sexual orientation, gender identity, gender expression, veteran's status, or any factor that is a prohibited consideration under applicable law. The prohibition on sex discrimination also prohibits Sexual Harassment, as defined in this policy.

The Nondiscrimination Policy applies to registered or enrolled students, College employees, contractors, vendors, visitors, guests, or other third parties.

Procedures *(Adopted 8-31-2020)*

5.49.1 Scope of Title IX Sexual Harassment Grievance Process

The Sexual Harassment Grievance Process pertains to Sexual Harassment under Title IX, as defined by this Policy, committed by employees against students and/or employees, when: (1) the conduct occurs on campus or other property owned or controlled by the College; or (2) the conduct occurs in the context of a College employment or education program or activity within the United States. The College's education program and activities includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which harassment occurs, and includes any building owned or controlled by a student organization that is officially recognized by the College.

All members of the East Central College community have the right to submit a complaint or raise concerns regarding Sexual Harassment under Title IX pursuant to this Policy without fear of retaliation.

A complete copy of College's Title IX Sexual Harassment Policy can be accessed online. Hard copies are available at the Title IX Coordinator's office and the Title IX Deputy Coordinator's office.

Complaints that do not fall under the scope of this process will be handled under the applicable employment policies, including the Employee Conduct and Discipline Policy (5.2) and the Employee Protection Against Sexual Harassment Policy (5.4).

5.49.2 Definitions

Sexual Harassment – Sexual Harassment is conduct based on sex that may be one or more of following:

- 1) Employee conditioning provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (*i.e.*, a *quid pro quo*), or

- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- 3) Sexual assault, stalking, dating/domestic violence, as defined herein.
 - Sexual Assault – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
 - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person,
 - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person,
 - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object,
 - Touching of another person's genitals or breasts under or over the clothing, or
 - Touching of one person with the genitals of another person under or over the clothing,
 - Domestic Violence - Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media.
 - Dating Violence – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Complainant – A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy, in connection with his or her participation in or attempt to participate in an educational program or activity of the College. Employment by the College is considered participation in a program or activity of the College for purposes of this policy. A Complainant may be a student, an employee, or a third party.

Respondent – A Respondent is an individual who is purported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent need not be affiliated with the College in any respect.

Title IX Advisor – A Title IX Advisor is an individual who supports a Complainant or Respondent through the Title IX Sexual Harassment Grievance Process. Each party has the right to select an advisor of their choice, and for that advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. A Title IX Advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as advisor. The College will appoint a Title IX Advisor at no cost to the party to conduct cross-examination during the grievance process hearing if a party does not have a Title IX Advisor.

Consent – An affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. The person initiating sexual activity must obtain the other person's consent throughout the duration of the sexual activity. Consenting persons must act freely, voluntarily, and have knowledge of the act or transaction involved. Consent will not be implied by silence or mere passivity from a state of intoxication or unconsciousness; it may not be inferred in circumstances in which consent is not clear, including, but not limited to situations that involve the absence of "no" or "stop," or those that involve the existence of a prior or current relationship or sexual activity. Consent cannot be given if the Respondent has taken advantage of a position of influence which that person has over the Complainant. Consent cannot be given by an individual who is incapacitated through the effect of drugs or alcohol or for any other reason. Consent may be withdrawn at any time.

5.49.3 Title IX Coordinator

The Title IX Coordinator is charged with monitoring East Central College's compliance with Title IX, ensuring appropriate education and training, coordinating investigations, responses, and resolution of all reports pursuant to this Policy. In his or her discretion, the Title IX Coordinator may also designate Deputy Title IX Coordinators to assist in the discharge of these duties.

Any questions or concerns regarding the College's application of this policy may be addressed to the Title IX Coordinator.

The Title IX Coordinator and Deputy Title IX Coordinator may be reached in person during regular office hours, or by telephone, written correspondence, email, or other electronic communication at any other time.

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5.49.4 Resources and Information for Victims of Sexual Harassment

The first priority for any victim of sexual assault or relationship violence is to receive appropriate medical attention for any medical injuries and to preserve evidence in the event the Complainant chooses to pursue a complaint. The College will maintain and publish information containing resources and guidance for victims of sexual assault, relationship violence and stalking. Such information will be maintained in the College's Annual Security Report and the College's Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies will also be maintained by the College's Title IX Coordinator, who will make such information available to any interested person.

5.49.5 How to Report Potential Violations of This Policy

1. Reporting Options

The College encourages the reporting of all incidents of Sexual Harassment, including, but not limited to, sexual assault, relationship violence, and stalking. The decision to report such incidents is a deeply personal and often difficult decision but is often a way for the victim to begin healing. Such reporting may also help prevent future incidents of a similar nature from occurring. Victims are not required, however, to report such incidents, and will not be penalized if they choose not to report an incident to law enforcement or to the Title IX Coordinator.

a. Report to the Title IX Coordinator or to a Responsible Employee

Individuals who believe they have been subjected to, or are aware that another individual has been subjected to, Sexual Harassment in connection with a College education program or activity, and who wish to report a potential violation of this Policy should notify the Title IX Coordinator or Deputy Title IX Coordinator.

Reports can be made through email, by phone, in person, or by mail.

Upon receipt of any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, explain the process for filing a formal complaint, and to provide information about other reporting options and available resources as applicable.

While reports to College counselors will remain confidential, all other employees are required to report the information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking to the Title IX Coordinator.

Reporting Sexual Harassment to the Title IX Coordinator does not automatically start the grievance process – the Title IX Coordinator will explain to the Complainant how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Harassment in order to obtain supporting measures and resources – an individual making a report of Sexual Harassment is not required to file a Formal Complaint.

There is no time limit on reporting Sexual Harassment, though the College encourages prompt reporting, as delayed reporting may hinder the College's ability to complete the grievance process.

b. Confidentiality

Employees are mandated to report information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking to the Title IX Coordinator and cannot keep reports confidential.

The College will keep confidential the identity of Complainants, Respondents, and witnesses involved in Title IX hearings, except when disclosure is required by law or as necessary to carry out the purposes of this Policy.

Counseling services for employees are available through the College's Employee Assistance Program (EAP).

c. Other Reporting Options and Resources

Individuals may make a criminal report with local law enforcement, or appropriate jurisdiction. College personnel are available to assist individuals with contacting the appropriate jurisdiction for making such a report.

In addition to pursuing criminal or College disciplinary proceedings, individuals may wish to obtain an order of protection, no-contact order, or restraining order from the relevant jurisdiction. Such orders are enforced by the local law enforcement agency in the relevant jurisdiction.

d. Amnesty

In investigating and responding to complaints of Sexual Harassment, the College's primary focus is to address the Sexual Harassment, and, in most cases, the College will grant amnesty to a Complainant or witness for other potential violations, such as alcohol violations. Such potential violations should not discourage a Complainant from notifying the College of incidents of Sexual Harassment.

2. Offer and Provision of Supportive Measures:

Upon receipt of a report, the Title IX Coordinator will promptly and confidentially reach out to the Complainant to discuss the availability of a variety of supportive measures. Supportive measures should also be offered to the Respondent as necessary and appropriate.

Supportive measures are designed to restore or preserve equal access to the College's education programs and activities, protect the safety of all parties and the educational environment, or deter Sexual Harassment. These supportive measures should be non-disciplinary, non-punitive, individualized, and provided free of charge. They must be offered regardless of whether a Formal Complaint is filed and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures.

Examples of supportive measures include, but are not limited to:

- Counseling via the Employee Assistance Program (EAP)
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work locations or assignments
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

3. Administrative Leave

Non-student employee Respondents may be placed on administrative leave during the pendency of the grievance process described in this Policy.

5.49.6 Filing a Formal Complaint of Sexual Harassment

In the event that a Complainant wishes for the College to proceed with an investigation and hearing into the allegations of Sexual Harassment pursuant to the grievance process procedures in this Policy, he or she must file a Formal Complaint. A Formal Complaint is a document alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment. The Complainant must be participating in or attempting to access a College education program or activity at the time the Formal Complaint is submitted. Employment by the College is considered participation in a program or activity of the College for purposes of this policy.

A Formal Complaint must be in written form, but it may be submitted in person, by mail, or by email. It must be signed by the Complainant but the required signature may be physical or digital.

A Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A

Title IX Coordinator may only sign a Formal Complaint after he or she has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the College responds to the report of Sexual Harassment. The Title IX Coordinator should balance campus safety concerns with respect for survivor autonomy.

The Title IX Coordinator may consolidate Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

5.49.7 Dismissal of Formal Complaints

Upon receipt of a Formal Complaint, the Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. Although the allegations may be still be investigated and resolved pursuant to another College policy (as noted above), Formal Complaints of Sexual Harassment brought pursuant to this policy *must* be dismissed if:

1. The conduct alleged would not constitute Sexual Harassment as defined in this Policy;
2. The conduct did not occur in connection with a College education program or activity;
3. The conduct did not occur against a person in the United States.

Furthermore, the Title IX Coordinator may, in his or her discretion, determine that even though it meets the basic threshold requirements to proceed, a particular Formal Complaint should be dismissed. Specifically, a Formal Complaint *may* be dismissed if:

1. Complainant notified Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations within;
2. Respondent is no longer enrolled or employed by the College;
3. Specific circumstances prevent the College from gathering evidence to reach a determination.

After an initial review of the Formal Complaint, the Title IX Coordinator will continue to monitor the investigation and evaluate the Formal Complaint to determine if the above criteria for dismissal apply. Following any dismissal of a Formal Complaint, the Title IX Coordinator will simultaneously send a written notice to the parties of the dismissal and the reasons for the dismissal.

To the extent the behavior alleged in the Formal Complaint could constitute a violation of another College policy, it may be pursued under that policy. The Title IX Coordinator has the discretion to refer the allegations to the appropriate College official.

5.49.8 Informal Resolution

After a Formal Complaint has been filed, if both Complainant and Respondent give voluntary, informed, written consent, the College will assist the parties in reaching an informal resolution to the allegations of Sexual Harassment in the Formal Complaint. An informal resolution cannot be used for Formal Complaints that contain allegations that an employee sexually harassed a student.

5.49.9 Prohibition of Retaliation

The College expressly prohibits retaliation against any individual for exercising their Title IX rights under this Policy. No individual may be discriminated against, intimidated, threatened, or coerced for the purpose of interfering with his or her Title IX rights, or because the individual has made a report pursuant to this Policy, testified, assisted, participated, or refused to participate in a Title IX investigation, proceeding, or hearing.

If an individual feels that he or she has been subject to retaliation pursuant to this Policy, he or she should notify the Title IX Coordinator as soon as possible.

5.49.10 Sexual Harassment Grievance Process Procedures

If any party believes that the Title IX Coordinator has a conflict of interest or bias for or against the individual parties and/or for or against complainants or respondents generally, that party should report their concern to the College President. If the College President finds that a conflict of interest or bias exists, the President will designate another individual to serve as Title IX Coordinator for the purposes of the specific grievance process involving the parties.

The Respondent will be presumed not responsible for the policy violation that is alleged in the Formal Complaint unless and until the respondent is found responsible by the Hearing Decision Maker at the conclusion of the grievance process.

The grievance process generally will be completed within 120 days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

5.49.11 Sexual Harassment Grievance Process - Notice

Within five (5) working days of receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not

responsible for any policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect and review evidence gathered during the investigation, and that the Employee Conduct and Discipline Policy 5.2.2 prohibits knowingly furnishing false information to the College (<https://www.eastcentral.edu/board-policies/5-2-employee-conduct-and-discipline/>).

If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, the Title IX Coordinator or designee will issue a supplemental written notice to the parties.

Parties will also be provided with notice of all meetings, interviews, or hearings with sufficient time to prepare for any meeting, interview, or hearing. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

5.49.12 Sexual Harassment Grievance Process – Title IX Advisors

Each party has the right to select a Title IX Advisor of their choice, and for that Title IX Advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. A Title IX Advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as a Title IX Advisor.

Parties must provide notice of who will serve as their Title IX Advisor during any grievance hearings at least five (5) working days prior to the hearing. If a party does not have a Title IX Advisor for a grievance hearing, a Title IX Advisor will be selected by the Title IX Coordinator and will be provided at no cost to the party for the purpose of cross examination during the hearing. This appointed Title IX Advisor may be a College employee or may be an outside individual contracted to serve in the role of Title IX Advisor.

Title IX Advisors may offer advice to and confer with the party during any meeting, interview, and/or hearing, but generally may not speak on behalf of the party. The only time a Title IX Advisor may speak on behalf of the party is to conduct cross examination questioning during a grievance hearing. Title IX Advisors are expected to comply with the Rules of Procedure and Decorum for hearings and remain respectful throughout the entire grievance process.

Any Title IX Advisor who fails to comply with these policies, the Rules of Procedure and Decorum for hearings, and/or who does not treat all others with respect throughout the grievance process may be warned by the Title IX Coordinator, Investigator, and/or Hearing Decision Maker for his or her first infraction. A Title IX Advisor may be asked to leave the grievance proceeding if after being warned he or she continues to violate these policies or the Rules of Procedure and Decorum for a hearing, and/or continues to not treat others with respect. If an advisor is asked to leave a meeting, interview, or hearing, the proceeding will end and be continued at another time when the party has a Title IX Advisor. Whether an advisor who has been asked to leave a proceeding may

serve as a Title IX Advisor to the party at a later meeting, interview, or hearing will be a decision in the sole discretion of the Title IX Coordinator.

5.49.13 Sexual Harassment Grievance Process – Investigation

The Title IX Coordinator or designee will designate an Investigator to conduct a fair, thorough investigation of the allegations in the Formal Complaint. In general, the Director of Human Resources will investigate complaints against employee Respondents. The College may designate an outside investigator as Investigator. The Investigator will have received training as outlined in Section 5.49.18 of this policy.

The Investigator will provide written notice of any meetings or interviews to the parties and/or witnesses at least 3 working days in advance of the meeting or interview. This notice will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting.

The burden will be on the Investigator to fully and fairly investigate the allegation in the formal complaint. All parties will have an equal opportunity to present witnesses and evidence to the Investigator.

At the conclusion of the investigation, the Investigator will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their advisors for inspection and review. The parties will then have ten (10) days in order to submit a written response to the evidence, if they choose to do so. The Investigator will consider any written response to the evidence before the completion of the investigative report. The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing.

The Investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigator.

The Investigator will send a copy of the report to the parties and their advisors at least ten (10) days prior to any hearing for the parties' review and written response.

5.49.14 Sexual Harassment Grievance Process – Hearing

After the conclusion of the investigation, a live hearing will be held before a Hearing Decision Maker. The Hearing Decision Maker will be appointed by the Title IX Coordinator and may be a single individual or a panel. A single Hearing Decision Maker may be a member of the College community or may be an outside individual contracted to serve in the role. A panel Hearing Decision Maker may include members of the College Community and/or outside individuals contracted to serve on the panel. The Hearing Decision Maker will have received training as outlined in Section 5.49.18 of this policy. The Hearing

Decision Maker will issue notice of the hearing to the parties, including the date, time, and location of the hearing. This notice will be provided at least ten (10) working days before the hearing.

The hearing will be held pursuant to the Rules of Procedure and Decorum. At the request of either party, the hearing will be held with the parties in separate rooms or locations, with the parties Hearing Decision Maker able to simultaneously see and hear each other through technology. Whether the hearing is conducted virtually or in person, it will be recorded.

The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing. All parties may refer to such evidence and may use it in cross examination. The Investigator will provide a copy of the investigative report and all evidence that is relevant to the allegations in the formal complaint to the Hearing Decision Maker. However, the Hearing Decision Maker may not defer to the investigative report and must objectively evaluate all relevant evidence and independently reach a determination regarding responsibility.

The Investigator, Complainant, and Respondent all have the ability to testify and call witnesses at the hearing, and to provide evidence to the Hearing Decision Maker, who will have the opportunity to ask questions of all parties and witnesses during the hearing.

After the Hearing Decision Maker asks their questions, each party's Title IX Advisor will have the opportunity to ask all relevant and follow up questions of the other party and all witnesses during cross examination. No party shall be questioned directly by the other party. Title IX Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any Title IX Advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Decision Maker.

The Hearing Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions during the hearing, including cross examination.

In general, the Hearing Decision Maker cannot rely on any statement by a party or witness who does not submit to cross-examination during the course of the hearing in reaching a determination on responsibility. However, in very limited circumstances, the Hearing Decision Maker may consider statements by Complainants and Respondents that are against the individual's interest even if that individual does not submit to cross-examination. A statement against interest is a statement that could expose the individual to a finding of responsibility and sanctions, or a statement that tends to invalidate an individual's complaint against another. For example, if during an interview with an Investigator, a Respondent makes a statement admitting to the alleged conduct that would violate this Policy, or a Complainant makes a statement that

information in the Formal Complaint was false, then the Hearing Decision Maker may consider those statements even if the individual does not submit to cross-examination.

The Hearing Decision Maker will state whether each question is relevant before the question is answered by the party or witness to whom it is directed and explain any decision to exclude a question as not relevant. If the Hearing Decision Maker is a panel, the panel will designate one member as chair, and that individual will determine and state whether each question is relevant. Questions or evidence that are deemed irrelevant by the Hearing Decision Maker will be excluded from the hearing. Formal rules of evidence shall not apply.

The following types of evidence must be considered irrelevant by the Hearing Decision Maker:

1. Evidence that is not pertinent to proving whether a fact material to the allegation is more or less likely to be true;
2. Information that is protected by privilege (e.g. attorney-client privilege);
3. Any party's medical, psychiatric, psychological, or counseling records without that party's voluntary, written consent;
4. Any information about the Complainant's sexual predisposition or prior sexual behavior, unless it is offered to prove that someone other than the Respondent committed the behavior alleged in the formal complaint or offered to prove consent.

5.49.15 Sexual Harassment Grievance Process – Determination of Responsibility

The Hearing Decision Maker will issue a written determination whether the Respondent is responsible for the policy violations alleged in the Formal Complaint within five (5) working days of the conclusion of the hearing. The Hearing Decision Maker must determine the weight of the evidence and credibility of the parties in reaching a determination.

The written determination shall include:

1. An identification of the allegations in the Formal Complaint;
2. A description of procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices, interviews, investigations, and hearings;
3. Findings of fact that support the determination,
4. Conclusions regarding the application of the policy to the facts;
5. A statement and rationale for the result for each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant; and
6. The procedures and acceptable bases for appeal of this determination.

The standard of proof will be “preponderance of the evidence,” which means whether the evidence shows it is more likely than not that a policy violation occurred.

The written determination will be provided simultaneously to all parties. The determination will become final and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, after the deadline to file an appeal.

5.49.16 Sexual Harassment Grievance Process – Sanctions and Remedies

If the Respondent is found responsible for any violations of policy, then the Hearing Decision Maker will determine what disciplinary sanctions will be imposed on the Respondent and what remedies designed to restore and preserve equal access to the College’s educational programs will be offered to the Complainant.

The possible sanctions that can be imposed on an employee Respondent found responsible include, but are not limited to:

1. Verbal Warning – An oral verbal warning may be given, at the discretion of the Hearing Decision Maker. Such warnings shall be noted in writing and placed in the individual’s personnel file in Human Resources.
2. Written Warning – The Hearing Decision Maker may issue a written warning, a copy of which will be sent to the employee along with a copy to the Director of Human Resources for the employee’s personnel file.
3. Suspension With or Without Pay – Suspension with or without pay may be invoked for a time period deemed consistent with the seriousness of the offense and the circumstances. A decision to suspend requires approval by the Human Resources Director, Division Vice President and College President. Earned vacation or other leave may not be applied during an unpaid suspension nor will leave accrue during an unpaid/paid suspension. Notice will be given in writing with a copy to the employee’s personnel file in Human Resources.
4. Termination – Employees may be immediately terminated when the seriousness and nature of an offense warrants. A decision to terminate will be made by the supervisor, Division Vice President, Human Resources Director and College President. If applicable, the College will follow the due process procedures established in 5.2.4.

In addition to sanctions imposed on the Respondent, remedies can be offered to the Complainant in order to restore and preserve equal access to the College’s educational program and activities. Remedies may be, but are not limited to, a continuation of previously offered supportive measures. Additionally, remedies may burden the Respondent or be punitive/disciplinary in nature.

5.49.17 Sexual Harassment Grievance Process – Appeals

Any party may appeal the determination of responsibility or a dismissal of a Formal Complaint by submitting a written request to the College President

within five (5) working days of the issuance of the Hearing Decision Maker's determination of responsibility. The request should include a short statement outlining the basis for appeal.

Appeals are limited to the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination of responsibility or the dismissal of the Formal Complaint that would affect the outcome of the matter; or
3. The Title IX Coordinator, Investigator, or Hearing Decision Maker had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter.

The College President will notify the parties in writing that an appeal has been filed. Each party will then have ten (10) working days to submit a written statement in support of, or challenging the outcome of the hearing.

The College President will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within seven (7) working days of the deadline for parties to submit their written statements. The College President's written determination will be provided simultaneously to all parties.

5.49.18 Training

In addition to the information contained in this Policy, the College will, in accordance with the Campus Sexual Violence Act ("SaVE Act"), provide training and information to members of the campus community regarding the following topics:

1. Safe and positive steps an individual may take to intervene to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against another person;
2. Information about how to recognize warning signs of abusive behavior in order to mitigate the likelihood of perpetration, victimization, or bystander inaction;
3. Awareness campaigns and prevention programs intended to stop domestic violence, dating violence, sexual assault, and stalking before they occur, and to increase campus awareness and share information and resources for the same purpose;
4. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both within the institution and in the community.

The College will distribute this information to members of the campus community through the College's Annual Security Report and the College's Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies

will also be maintained by the College's Title IX Coordinator, who will make such information available to any interested person.

Additionally, the College will ensure that the Title IX Coordinator, Investigator, Hearing Decision Maker, and any person who facilitates an informal resolution has received training on:

- The definition of Sexual Harassment as set out in this policy;
- The definition of Consent under this policy and how to apply the definition of Consent consistently and impartially;
- The scope of the College's education program or activity;
- How to conduct the grievance process, including investigations, hearings, appeals, and informal resolutions (as applicable); and
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Hearing Decision Makers will also receive training on:

- How to operate any technology used in conducting a hearing; and
- How to determine relevance of questions and evidence, including the provisions of this policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior

Investigators will also receive training on:

- How to determine if evidence is relevant to an investigation; and
- How to create an investigative report that fairly summarizes relevant evidence.

All training materials used by the College must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, Hearing Decision Maker, and any individual who facilitates an informal resolution must be made publicly available. These materials will be published online.

5.49.19 Recordkeeping

The Title IX Coordinator must create and maintain for a period of at least seven years records of any actions, including any supportive measures taken in response to a report or formal complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document: 1) the basis for the conclusion that the College's response was not deliberately indifferent, and 2) that the College has taken measures designed to restore or preserve equal access to the College's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript from a grievance hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal from a grievance process and the result of the appeal;
- Records related to any informal resolution and the result of the informal resolution;
- All materials used to train the Title IX Coordinators, Investigator, Hearing Decision Maker, and any individual who facilitates an informal resolution.



Interoffice Memo

TO: Dr. Bauer
DATE: August 24, 2020
FROM: Office of Academic Affairs
RE: Adjunct Approval

Please approve the following adjuncts for the Fall 2020 semester.

Career & Technical Education

Gary Durham, Prec. Mach.	Richard Hudanick, Bus/Fal Sem	Steffani McCrary, Business
Bonnie Eversmeyer, HVAC	Sandra Love, Business	Jerry Stone, HVAC
Amy Feese, Culinary Arts		

Health Sciences

Rechell Alcorn, EMT	Jill Harrison, Nursing	Heather Sluis, Nursing
Courtney Baxter, MDA	Lisa Korn, EMT	Nancy Tappe, Nursing
Jaimie Blaue, Nursing	Barbara McNamara, Nursing	
Elisha Chaney, Nursing	Nancy Mitchell, Nursing	

English & Humanities

John Anglin, Communications	Lisa Haag, English	Stanley Miller, English
Shana Collier, Communications	Susan LaFayette, English	Elizabeth Rosebrough, English
Joel Doepker, Communications	Raphael Maurice, English	Gregory Stratman, English
Shawna Flanigan, Comm/Fal Sem	Micah Miller, Religion	Kaitlyn Willy, English
James Fulcher, English		

Fine & Performing Arts

Melissa Albright, Art	Luke Firle, Art	Margret Noud, Music
Kelly Austermann, Music	Krista Frohling, Art/Fal Sem	Gary Powers, Art
Lauren Bearden, Theatre	William Hopkins, Music	Benjamin Sachs, Music
Lisa Blackmore, Music	Connor Joyce, Music	Robert Sullivan, Art
Tamara Campbell, Music	Alexis Kurtzman, Art	Annette Swafford-Green, Art
S. Patrick Charles, Music		

Mathematics & Education

Joshua Adams, Mathematics	Susan Giesing, Education	Connie Lutz, Mathematics
Ann Boehmer, Mathematics	Timothy Gray, Mathematics	Kirby Moreland, Mathematics
James Campbell, Mathematics	Teri Haas, Mathematics	Dennis Smith, Mathematics
Nancy Cook, Education	Regina Holmes, Mathematics	Margaret Vogel, Education
Suzanne Emmons, Education	Mary Beth Huxel, Education	Vanessa Whittle, Education
Freeman Fouts, Education		

Science & Engineering

Tiffanie Atherton, Biology	Dan Jacobson, Agriculture	Mark Palmier, Biology
Lucy Crain, Health Science	Jeffrey Jaquess, Geology	Larry Pierce, Geology
Alyse Deason, Biology	Travis McDowell, Chemistry	James Small, Physics
Nancy Hayes, Biology	Fatemeh Nichols, Chemistry	

Social Sciences

Kristen Adams, Psychology	Miranda Green, Psychology	Ray Mowery, Economics
Erin Anglin, Psychology/Fal Sem	Robin Hanson, Anthropology/Civ	Tommy Nichols, History
Janet Berry, Economics	Melissa Hildebrandt, Psychology	Lesley Peters, Psychology
Taylor Bodenschatz, Poli. Science	Rachel Johnson, History	Matthew Vogeler, Poli. Science
Steven Campbell, Poli. Science	Jennifer Kuchem, Sociology	Sarah Wildt, Sociology
Theodore Coburn, Sociology		

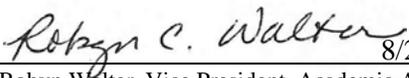
Falcon Seminar

Lorrie Baird, ECC PSA	Sylvia Sellers, ECC PSA	Robyn Walter, ECC Admin
Bridgette Kelch, ECC PSA	Suzanne Shelton, ECC Adjunct	Tracie Welsh, ECC PSA
Melissa Popp, ECC PSA	Michelle Smith, ECC PSA	Jennifer Willis, ECC PSA
Jessica Robart, ECC PSA		

Dual Credit

Andrew Allen, Chemistry, SFBHRHS	Glenn Mechem, History, UHS
Curtis Beers, CIS, WHS	Kimberly Minnich-Contarini, Bus/CIS, WHS
Dan Brinkmann, Auto Technology, FRC	Amber Moore, Culinary Arts, NCC
Terry Brookshire, Auto Technology, RTI	Danika Novak, English, UHS
Tim Bruckerhoff, Welding, FRCC	Sharlet Peterson, Mathematics, LHS
Timothy Buchheit, Communications, SFBHRHS	Robert Prichard, History, SCHS
Nathan Caldwell, History, SFBHRHS	Janet Rademacher, Biology, OHS
Carmel Dare, Culinary Arts, RTI	Lindsay Riegel, English, SFBHRHS
Emily Durham, English, CHS	Mitchel Rightnowar, Auto Technology, RTI
Emily Edens, History, BHS	Robert Robinson, Building Construction, RTI
Karen Fixsal, Culinary Arts, WHS	Olivia Santhuff, History, SHS
Colin Flynn, English, WHS	Robert Schulze, Collision Repair, FRCC
Kerri Flynn, Psychology, WHS	Sarah Serbus, Theatre/Communications, UHS
Patrick Fogarty, Math, WHS	Dennis Smith, Mathematics, UHS
Elaine Hutson, CIS, UHS	Kathleen Speichinger, Accounting/CIS, BHS
Jeff Frankenburg, Building Construction, FRCC	Daniel Strohmeier, Theology, SFBHRHS
Star Hargis, English, RHS	Ed Stahl, History, WHS
Cathy Jinkerson, Business/CIS, WHS	Deborah Starkey, English, VHS
Dan Kemper, Welding, FRCC	Ken Willardson, Mathematics, VHS
Melissa Mauchenheimer, Math, WHS	Robert York, Building Construction, FRCC
Gary Maune, Auto Technology, FRCC	

Signatures:


 Robyn C. Walter, Vice President, Academic Affairs 8/24/2020


 Wendy A. Hartmann, Director, Human Resources 8/24/2020