



## Annual Campus Crime & Security Report

### Aerofil Location

225 Industrial Drive  
Sullivan, MO 63080

October 1, 2019

## Introduction

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act.<sup>1</sup> For more detailed information regarding the *Clery Act*, please visit the Department of Education Campus Security website (<http://www.ed.gov/admins/lead/safety/campus.html>).

The following report contains statistics for the previous three years concerning reported crimes that occurred either on-campus; in certain off-campus buildings or property owned or controlled by East Central College; or on public property within, or immediately adjacent to and accessible from, the campus. This report also contains institutional policies concerned with campus security and safety, policies and procedures related to sexual assault/sexual violence, whom to contact in an emergency and how to file a student concern/incident report. For detailed emergency plans and procedures, please see the *ECC Emergency Plan*.

Data for the *Annual Campus Crime & Security Report* are compiled and reported to the Department of Education by October 1 each year for the previous calendar year (Jan. 1 – Dec. 31). Crimes are reported by the calendar year in which they were reported, regardless of when they occurred.

To obtain a hard copy of this report, you may request one from the Office of Institutional Research, Assessment & Planning, 1964 Prairie Dell Road, Union, MO 63084 or by sending an email to [institutionalresearch@eastcentral.edu](mailto:institutionalresearch@eastcentral.edu).

<sup>1</sup> U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*. 2016 Edition, Chapter 1, p.1.

## **Reportable Crimes**

Reporting of the following crimes is mandated by the Clery Act:

- Murder/Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Burglary
- Aggravated Assault
- Motor Vehicle Theft
- Arson

The college must also disclose if any of the offenses above were categorized as hate crimes and include any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were classified as hate crimes.

In addition, the College must report incidents of domestic violence, dating violence, and stalking incidents. Also any arrests and referrals for disciplinary action for liquor law violations, drug abuse violations, and weapons violations (carrying, possessing, etc.).

East Central College must disclose crime statistics that occur:

- 1) *on campus* - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).<sup>2</sup>
- 2) *in or on noncampus buildings or property* - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.<sup>2</sup>
- 3) *On public property within or immediately adjacent to the campus* - all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.<sup>2</sup>

<sup>2</sup> U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*. 2016 Edition, Chapter 2, p. 1-18.

## East Central College Crime Statistics

### ECC Sullivan

<b>Criminal Offenses</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Murder/Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0
<b>Manslaughter by Negligence</b>	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0
<b>Drug Abuse Violations</b>	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0
<b>Drug Abuse Violations</b>	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Incidents/Arrests</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	0	0	0	0	0	0	0	0	0
<b>Stalking Incidents</b>	0	0	0	0	0	0	0	0	0
<b>Hate Crimes</b>									
<b>There were no reported hate crimes for the years 2016, 2017 and 2018.</b>									

## Reporting Crimes and the ECC Emergency Plan

### To Report a Crime

East Central College requests timely and accurate reporting of crimes to the Campus Resource Officer, local police municipality and/or Sheriff's Office. To contact the Campus Resource Officer, call 6600 from a campus phone or 636-584-6600. Campus Security may also be contacted at 636-368-2183.

**If a situation warrants, please call 911 to reach a local dispatching agency.**

### ECC Emergency Plan

Please see the *ECC Emergency Plan* for a detailed listing of key emergency personnel, specific emergency situation plans (such as, fire, tornado, hostile intruder, etc.), and emergency communication procedures.

ECC Emergency Plan - <http://www.eastcentral.edu/campus-safety/emergency-plan/>

### Sex Offender Registry

To obtain information concerning registered sex offenders, please contact local law enforcement agencies. The Missouri registered sex offender list is maintained by the Missouri State Highway Patrol website at the following address:

<http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

## EMERGENCY CONTACT LIST

***Dial 911***

then

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**ECC Campus Resource Officer (Main Campus)**

**Campus Phone: Dial 6600**  
**Other Phone: 636-584-6600**

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### Student Incident Report

To submit a student incident report, go to the ECC homepage ([www.eastcentral.edu](http://www.eastcentral.edu))

- click on Students
- click Student Forms
- click Student Concern Form

The direct link to the report is:

[https://publicdocs.maxient.com/reportingform.php?EastCentralCollege&layout\\_id=3](https://publicdocs.maxient.com/reportingform.php?EastCentralCollege&layout_id=3).

## **Campus Policies and Procedures Related to Sexual Assault/Sexual Violence**

East Central College is committed to maintaining an environment that is free from sexual harassment, sexual assault, and any other type of sexual violence or misconduct, including relationship violence and stalking. Such conduct is strictly prohibited by the College, and violations compromise the safety, security, and well-being of all community members.

The College is committed to educating its community members, and empowering students, faculty, and staff to speak out against sexual harassment, sexual assault, relationship violence and stalking. All members of the College community have an obligation to report any potential violations to appropriate College officials promptly. This publication is designed to guide potential victims of sexual assault, rape, acquaintance rape, and other forms of sexual violence and harassment, including stalking and relationship violence, and the individuals who provide support those victims.

For additional details, see *Board Policy 3.26, Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking* in the “Campus Safety, Security and Student Conduct Policies” section of this report.

### **What do I do if I believe I have been the victim of sexual assault or other sexual violence?**

- If you are in immediate danger, call 9-1-1. If you are on campus, you may also contact Campus Resource Officer at: 636-584-6600 or dial 6600 if using a campus phone.
- Do not take a shower, drink, eat, brush your teeth, or change/laundry your clothing, as doing any of those activities will destroy physical evidence. It is important to preserve evidence even if you are not certain you will report the assault to law enforcement.
- Obtain medical attention **immediately** if you have been the victim of sexual assault, such as rape, or other physical injury (even if you have engaged in any of the activities above that may have destroyed evidence). Seeking medical care does NOT obligate you to report the incident to law enforcement authorities.
- Consider contacting campus resources to assist you:

Title IX Administrator  
Section 504 Coordinator  
Vice President of Student Development  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
636-584-6565

Title IX Deputy Administrator  
ADA Coordinator  
Director of Human Resources  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
Phone: 636-584-6712

If you wish to speak to someone at the College confidentially, you may contact the College’s counselors at 636-584-6580 or after hours crisis numbers:

- BHR (Behavioral Health Response) 1-800-811-4760
- National Suicide Prevention Hotline 1-800-273-TALK
- Life Crisis 314-647-HELP

- Consider contacting law enforcement authorities.
- Record all of your memories from the incident in writing. If you have been subjected to stalking, keep documentation of all related communications, including emails, voice messages, texts, and social media posts.

### **What should I do if a friend has been the victim of sexual harassment, including sexual assault or other sexual violence?**

- Listen to your friend, and try not to insert your own judgments into the situation. Give your friend an opportunity to share the full story with you.
- Help your friend contact appropriate resources on campus to report the incident and/or obtain help.
- Avoid making decisions on your friend's behalf.
- Recognize that your friend may need support from a person specifically trained to deal with these sorts of situations, and assist them in obtaining that support when appropriate.

### **How do I file a report?**

East Central College encourages you to promptly report any incident of sexual harassment, sexual assault, and any other type of sexual violence or misconduct, including relationship violence and stalking to the College officials identified herein regardless of whether the conduct occurred on or off campus. Even if the accused is a student or staff member of the College, filing such a report does not obligate you to charge the accused under the College's disciplinary procedures, such as the Student Disciplinary Policy, nor does it obligate you to file a police report. If you choose to do so, the College will assist you in reporting the incident to local law enforcement, but such a report is not required. If you need assistance or support in filing a complaint please contact the Vice President of Student Development. If you choose not to report your complaint to law enforcement, the College strongly encourages you to make an anonymous report to College officials. Submitting such a report enables the College to better protect the safety and security of the College community. Please contact a College Counselor to make a confidential report.

If you decide to officially report an incident to the College, we will meet privately with you to discuss your report. If you prefer to have that conversation with a friend or other advocate present, we will work with you to accommodate that request. Your parents will not be notified without your consent, and you will not be blamed for what has occurred. The College will assist you in arranging for medical treatment, and in contacting counseling services should you so desire. The College also encourages you to report what has happened to local law enforcement, and to consider whether to file for an Order of Protection, a No-Contact Order, or a Restraining Order. Such Orders are enforced by the law enforcement, but individuals who obtain such Orders are encouraged to notify Campus Security. The College pledges to fully and fairly investigate your case and bring it to resolution as efficiently as possible.

You may also choose to speak confidentially with a College counselor. College counselors are the only College employees who are not required to notify the College's Title IX Coordinator of allegations of sexual harassment, sexual assault, and any other type of sexual violence or misconduct, including relationship violence and stalking, that affect the College community.

## **Student Conduct Code**

The East Central College Student Conduct Policy sets forth multiple offenses related to sexual assault, sexual harassment, sexual violence, and stalking that may be subject to disciplinary action.

- See *Board Policy 3.17.1 (J), (R), (S), (T), (U), (V), and (W)* in the “Campus Safety, Security and Student Conduct Policies” section of this report.

## **Disciplinary Proceedings**

Disciplinary proceedings for adjudicating violations of these provisions shall be conducted pursuant to the provisions of the Student Discipline Policy, which can be found in the Student Handbook. These procedures will be implemented by officials who have received annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing that protects the safety of victims and promotes accountability.

- See *Board Policy 3.18* in the “Campus Safety, Security and Student Conduct Policies” section of this report.

## **Standard of Review and Sanctions**

If a student is found “more likely than not” to have engaged in a violation of these Student Conduct Code provisions, he or she may be subject to sanctions, including but not limited to:

1. **Warning:** A verbal admonition by a college official regarding a violation of the Student Conduct Code.
2. **Disciplinary Probation:** A status resulting from a finding of misconduct. The student remains enrolled but under stated conditions.
3. **Summary Suspension:** An involuntary and immediate separation of the student from the institution when, in the judgment of the CAO, CSAO and/or President, the student presents potential for behavior dangerous or destructive to him/herself, others or college property. Such suspension will be for a limited time until further disciplinary determination is made.
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.

The College will simultaneously notify both the complainant and the accused student in writing of the final outcome of the proceedings (including any sanctions issued against the respondent), and the procedures for appeal. Both parties will be kept apprised of any change in the result that occurs prior to the time that it becomes final, and will be notified when the result is becomes final. The identity and confidentiality of victims will be protected to the extent permissible by law.

## **What Training and Educational Resources Does the College Provide?**

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;

### **What Community Resources Are Available to Victims of Sexual Assault, Relationship Violence and Stalking?**

Below is a list of some of the resources available to students. ECC College Counselors can assist you in determining available resources.

#### Franklin County Area:

- ALIVE – Domestic Violence services, counseling, court 1-800-941-9144 or 636-583-5700
- BHR (Behavioral Health Response) Crisis Hotline 1-800-811-4760
- Bridgeway Counseling Services 636-224-1400
- Sexual Assault Center 314-531-RAPE or 314-531-7273

#### Rolla Area:

- Rape and Sexual Assault Hotline 573-426-4687

## Campus Safety, Security and Student Conduct Policies

### **Policies Included in Report:**

- 3.2 Program Admission Policy
- 3.16 Communicable Diseases Policy
- 3.17 Student Conduct Policy
- 3.18 Student Discipline Policy
- 3.19 Student Drugs and Alcohol Policy
- 3.21 Student Right-to-Know and Campus Security Act Policy
- 3.25 Student Protection Against Discrimination and Harassment
- 3.26 Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking
- 4.36 Safety Policy
- 4.37 Reporting Crimes and Emergencies
- 4.38 Security and Access to College Facilities
- 4.40 Weapons
- 5.2 Employee Conduct and Discipline
- 5.4 Sexual Harassment
- 5.10 Criminal Background Check
- 5.42 Drugs and Alcohol Free Workplace

*Note: Click [here](#) to see full policy manual.*

### **3.2 Program Admission Policy (Adopted 5-9-2005)**

The faculty, staff and Chief Academic Officer will devise, implement and monitor an objective, timely and nondiscriminatory method for selecting applicants for admission to specific College programs with admissions criteria. These programs are identified annually and information is publicized in each semester's schedule of classes. The selection process will reflect good practice, and criteria will be made available to interested parties in the departmental offices or academic advisement.

#### **Procedures: (Adopted 5-31-2007)**

##### **3.2.1 Criminal Background Check/Drug Screening**

In response to external agency requirements and as a condition of required participation in activities at these agencies, students in designated programs must consent to a criminal background check and/or drug screening and must be responsible for all costs involved.

Students who do not consent to or do not pass the drug screening cannot remain a student in the designated program. Any information derived from the criminal background check and/or drug screening will not result in disciplinary action by the College, nor will it be made part of the student's college record. The student may remain enrolled at the College and continue

in another program that does not have a criminal background and/or drug screening examination requirement.

### **3.16 Communicable Diseases Policy** *(Revised 5-12-2008; revised 8-25- 2014)*

East Central College endeavors to provide its students with a safe and healthy environment in which learning can occur. This policy is intended to prevent the transmission of communicable diseases from a student to other members of the College community. A student with a communicable disease may present a reasonably foreseeable risk of harm to others. Therefore, the College will take action in accordance with this policy to minimize the risk of transmission and to maintain a safe campus and educational environment. Some College departments have additional restrictions and procedures that must be followed due to the nature of the educational environment.

#### **Procedures:**

##### **3.16.1 Definitions** *(Revised 8-25-2014)*

The term “communicable disease” shall mean an infectious disease that is readily capable of transmission to other individuals through close contact, exposure to routine secretions, and/or physical proximity on a college campus. A communicable disease may be acute (short-term) or chronic (long-term). For purposes of this Policy, this term is not intended to include diseases for which transmission is virtually eliminated as a result of the application of standard universal precautions or other effective measures.

The term “Assessment Team” shall mean a multi-disciplinary team convened to review and assess the student’s communicable disease and its effect on the College community.

The terms “others” or “others in the College community” shall mean employees, students, and visitors to the College or any of its satellite facilities or properties.

##### **3.16.2 Disclosure** *(Revised 8-25-2014)*

A student who becomes aware that he/she has or may have a communicable disease shall self-report this information to the Chief Student Affairs Officer. A College employee who has personal knowledge that a College student has or may have a communicable disease must also report this fact to the Chief Student Affairs Officer.

##### **3.16.3 Assessment** *(Revised 8-25-2014)*

Upon receipt of a report that a student has or may have a communicable disease, the Chief Student Affairs Officer is authorized to temporarily exclude the student from College property until a multi-disciplinary team (“Assessment Team” or “Team”) is convened to review and assess the student’s condition.

The Assessment Team will be composed of the following: (1) the Chief Student Affairs Officer or his/her designee; (2) a physician or other consultant, selected by the College, with knowledge of the particular disease; (3) the student’s health care provider; and (4) other College representatives , as appropriate. The student and/or his/her representative will be involved in the assessment process, but the decision on how the situation will be handled will be determined by the College.

The Chief Student Affairs Officer must convene the Team within a reasonably prompt period of time after receiving a report that a student has or may have a communicable disease. The Team should be convened within five (5) business days of the report, if not sooner. Members of the Team are responsible for arranging their schedules to meet at the time and place designated by the Chief Student Affairs Officer. Because of the importance of addressing the communicable disease in a prompt manner, this meeting will not be rescheduled because of the unavailability of one or more members. However, members of the Team may participate by telephone upon giving advance notice to the Chief Student Affairs Officer.

The Team will assess, review, and consider the following: (1) the student’s condition; (2) the present and future risk of transmission to others; (3) the existence and practicality of implementing precautions, methods and strategies to eliminate or reduce the risk of transmission to others; (4) the restrictions, if any, that will be required to prevent the student from creating the risk of transmission to others; (5) whether the student should be excluded (or continue to be excluded) from College premises, and, if so, whether alternative educational arrangements can be made; and (6) if warranted, the date upon which the Team will reconvene to reassess the matter.

The Team will make a determination regarding the student’s exclusion (or continued exclusion) from the College and/or the conditions or restrictions on the student’s return to the College (if any) within three (3) working days after it has convened. The Team’s determination will be documented in writing and the Chief Student Affairs Officer shall provide written notice of the determination to the student and President of the College.

If the student’s condition is chronic or persists for more than a short, definable period, the Team shall reassess its determination as often as the Team deems appropriate.

This assessment process is not intended to limit or otherwise inhibit the right of the College to contact the local health authority or other public health official for guidance or direction in handling a communicable disease situation. Directives or orders from public health officials shall supersede the assessment process in this policy.

#### **3.16.4 Consent**

To aid in its assessment, the Team may request that the student provide a HIPAA compliant authorization that permits the Team to communicate with the student's health care provider(s) regarding the status and effect of the student's communicable disease. In addition, the Team may require, at the College's expense and in accordance with law, the student to undergo a physical examination and/or medical tests that are narrowly tailored to assist the Team in determining whether the student still has a communicable disease. A student who refuses to provide consent to enable the Team to communicate with the student's health care provider(s) or to undergo the required examination/tests may be subject to exclusion from College property, as permitted by law, until such time as consent is provided or the Team determines that the student may return in accordance with this Policy.

#### **3.16.5 Return to the College** *(Revised 8-25-2014)*

The Team is authorized to decide that the student may return to the College if it determines that one or more of the following is true:

1. The student never had or no longer has the communicable disease; or
2. The communicable disease is not in the infectious or contagious stage; or
3. The communicable disease poses little to no risk of transmission in the College environment upon the application of universal precautions or other effective measures.

#### **3.16.6 Appeal** *(Revised 8-25-2014)*

The student may appeal the Team's determination to the President of the College in writing within three (3) business days of the receipt of the Team's decision. The student shall set forth in writing the reasons why the Team's decision should be modified or reversed. As part of the appeal process, the President is entitled to review all documentation produced and considered by the Team. Upon conclusion of this review, the President will issue a written decision to the Team and the student. The President's decision shall be final. However, if the student believes that the actions under this policy were taken in violation of Section 504 of the Rehabilitation Act of 1974 ("Section 504") or the Americans with Disabilities Act ("ADA"), the student is permitted to

submit an appeal by proceeding to the final level of the College's grievance policy on Section 504/ADA complaints. A copy of that policy may be obtained from the College's Compliance Coordinator for these laws, whose contact information is as follows:

Chief Student Affairs Officer  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
Phone: 636-584-6565

A student who is unable to resolve a problem or grievance under Section 504 or the ADA has the right to file a complaint with the Office for Civil Rights for the United States Department of Education, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, MO 65114; phone 816-268-0550.

### **3.16.7 Confidentiality** *(Revised 8-25-2014)*

Students with communicable diseases have a right to privacy and a need for confidentiality of their medical information. Therefore, to preserve this right, the following rules will apply:

- 1 The student's medical condition and related information may be disclosed only to those individuals who have a "need to know" the information in order to implement this Policy, to assure that proper care is provided, and/or to detect/monitor situations in which the potential for transmission of the communicable disease may increase, as well as to those individuals who are otherwise authorized to receive, or who must receive, this information under law.
- 2 The student's medical information shall be retained in a file separate from the student's other records. This separate file shall be maintained by the Chief Student Affairs Officer.
- 3 Willful, negligent, or unauthorized disclosure of information about a student's medical condition will be cause for remedial or disciplinary action, up to and including dismissal.

### **3.17 Student Conduct Policy** *(Revised 5-7-1973; Reaffirmed 12-2-1991; Revised 8-28-2003, 6-16-2014)*

Admission to East Central College carries an obligation to conduct one's self as a responsible member of the College community. Individual students and student organizations are required to observe the policies of the College and the laws of city, state, and federal governments. Student and organizational behavior must be compatible with the educational objectives of the College thereby maintaining safety

standards and promoting the health and wellness of each member of the College community. Students are expected to approach each academic course and activity with a willingness to learn and an attitude of cooperation. Students and student organizations are expected to uphold the key principles of honor, truthfulness, and respect for people and property. Prohibited conduct will lead to student discipline.

**Procedures:** *(Revised 5-12-2008; Revised 8-2012, 6-16-2014)*

### **3.17.1 Prohibited Conduct:**

- A. Violations of standards established by College academic programs for student conduct in areas and classes such as the gym, fitness center, locker rooms, clinical settings, labs, shops and internships.
- B. Violation of or disregard for safety policies and procedures, e.g. lab safety contract.
- C. Violation of the Tobacco-Free Campus Policy.
- D. Violation of East Central College's Information Technology Policy.
- E. All forms of academic dishonesty such as cheating, aiding or abetting cheating, plagiarism, fabrication or multiple submission of papers in courses without prior instructor consent or representation of others' work as one's own. Refer to Academic Honor Code.
- F. Knowingly furnishing false information to the College.
- G. Forgery, alteration, or misuse of College documents, records, or identification, whether in written or electronic form.
- H. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or any other College events or activities, including public service functions and other authorized activities on College premises.
- I. Disturbing others with strong, pervasive odors such as perfume, cologne, body odor, animal odor, alcohol, or illegal substances.
- J. Assault, abuse or conduct which threatens or endangers the health or safety of another person on College-owned or controlled property or at a College-sponsored or supervised function.
- K. Theft, malicious destruction, damage, misuse, or conversion of property belonging to the College, a College employee, a College student, or a campus visitor.
- L. Unauthorized entry into or use of College facilities.

- M. Violation of local, state, or federal laws on College-owned or controlled property or at College-sponsored or supervised functions.
- N. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, an imitation controlled substance, or alcoholic beverages on College premises or at off-campus sites, in College vehicles and in any private vehicles parked on College premises or at off-campus sites or at College-sponsored or supervised functions. An imitation controlled substance is a substance that is not a controlled substance, which by appearance (including color, shape, size, and markings), or by representations made, would lead a reasonable person to believe that a substance is a controlled substance.
- O. Failure to identify one's self when requested to by College officials or College agents or failure to comply with directions of College officials acting in the performance of their duties.
- P. Possession or use of firearms or other weapons, explosives, dangerous chemicals, or fireworks on campus or at College-sponsored or supervised activities.
- Q. Gambling on College-owned or controlled property or at College-sponsored or supervised functions. Charitable or fund raising raffles may be permitted for student organizations with the approval of the Vice President of Student Development.
- R. Violation of the Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking.
- S. Violation of College policies regarding Discrimination and Harassment.
- T. Disorderly conduct, breach of public decency, breach of the peace, aiding or inciting another to breach the peace, infringement upon the rights of another or defamation of another either on College property or at College-authorized activities.
- U. Hazing, or any act that intimidates, frightens, or degrades an individual.
- V. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
- W. Stalking, defined as engaging in a course of conduct directed at a specific member of the College community that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition, a course of conduct means that two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties by any action, method, device or means, follows, monitors, observes, surveils, threatens,

or communicates to or about a person, or interferes with a person's property. Stalking may involve physical stalking and/or cyber stalking.

- X. Any aforementioned committed in concert with other persons, may make each participant responsible for the acts of the entire group.

Jurisdiction for this Policy applies to student conduct which occurs on all property owned or operated or maintained by East Central College as well as actions which occur off-campus when the misconduct affects the well-being of students and other members of the College community.

### **3.18 Student Discipline Policy** *(Revised 5-1-1989; Reaffirmed 12-2-1991; Revised 8-28-2003; Reaffirmed 6-16-2014)*

All students are expected to meet the expectations of College administrators and faculty and the norms of a civil society and to avoid prohibited conduct (see Student Conduct Policy 3.17). If the need for student discipline arises, students can expect due process as defined by the following procedures.

#### **Procedures:**

In most cases, disciplinary actions are meant to be remedial rather than punitive. Ideally, disciplinary proceedings will be conducted informally between the student(s) and the Chief Student Affairs Officer. However, when this means of resolution is not possible, a student has the right to formal processes of discipline and appeal.

#### **A. Definitions** *(Revised 6-16-2014)*

1. Chief Student Affairs Officer (CSAO): the administrator responsible for student services such as counseling and advising.
2. Chief Academic Officer (CAO): the administrator responsible for the oversight and direction of academic programs and faculty.
3. Hearing Committee: A five-member committee called upon for hearings whose membership includes two (2) faculty, two (2) administrative/professional staff, and one (1) support staff member. The CSAO and the CAO are not voting members of the hearing committee, but they are nevertheless involved in the hearing. The CSAO will preside over, and the CAO will present the charges, at all hearings where the misconduct does not involve an academic issue. If the misconduct involves an academic issue, their roles will be reversed.
4. Sanctions: Any action taken during the institutional discipline process, not including those actions an instructor may take within the classroom in cases of academic dishonesty such as assigning a lowered or failing grade for the assignment or class.

#### **B. Possible Sanctions** *(Revised 8-2012, 6-16-2014)*

2. **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. **Summary Suspension:** An involuntary and immediate separation of the student from the institution when, in the judgment of the CAO, CSAO and/or President, the student presents potential for behavior dangerous or destructive to him/herself, others or College property. Such suspension will be for a limited time until further disciplinary determination is made.
5. **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.
6. **Expulsion:** Permanent loss of student status due to misconduct. Other stated conditions may be applied.

**C. Formal Student Disciplinary Process** *(Revised 6-16-2014)*

Students subject to sanctions will be accorded the opportunity for a hearing before a hearing committee. For a hearing to be held, the student is required to submit a written request for a hearing to the Chief Student Affairs Officer or designee. The following guidelines will be applicable:

1. Students will be informed in writing of the time, date, and location of the hearing, either by personal delivery or certified mail, at least ten calendar days in advance of the hearing.
2. The entire case file will be available for inspection by the student in the office of the Chief Student Affairs Officer during normal business hours. The file, which should be available at least two (2) business days before the hearing, need not include the personal and confidential notes of any College official or participant in the hearing process.
3. The hearing will be conversational and non-adversarial. Formal rules of evidence will not apply. The Chief Student Affairs Officer or designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
4. The student may choose to be assisted by a member of the faculty or staff of the institution. Furthermore, the student may be accompanied by legal counsel, although the role of legal counsel will be limited to providing legal

advice to the student, and such legal counsel may not participate in any other way.

5. Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the hearing, as well as to present relevant evidence. In some circumstances, including those involving sexual assault or other sensitive allegations, the Chief Student Affairs Officer or designee may determine that direct questioning of a witness by the student or the individual assisting the student is not appropriate. In those cases, the student or their representative will submit the questions to the Chief Student Affairs Officer or designee, who will then ask the questions.
6. Whenever possible, the student will be expected to respond to questions asked by the Chief Student Affairs Officer or designee.
7. If the student requests a hearing and fails to appear after proper notice, the hearing committee may either proceed with the hearing in the student's absence or may make a decision without holding a hearing.
8. The hearing will be recorded. The recording(s) shall be kept with the pertinent case file for a minimum of six (6) months.
9. A written decision will be rendered by the hearing committee within five (5) business days after the completion of the hearing. The written decision, which should be mailed or personally delivered to the student, should contain a brief statement of reasons for any determination leading to sanctions. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The decision of the hearing committee will be final unless a timely appeal is made to the College President.
10. A student who wishes to appeal a disciplinary decision must do so within 30 days of the notice of written decision of the hearing committee by filing a written appeal with the College President. The written notice to the President should state the basis for the appeal.
11. An appeal is limited to the following issues:
  - A. Prejudice or other irregularities that improperly influence the outcome of the disciplinary hearing.
  - B. Discovery of new or significant evidence that was not available at the time of the original hearing.
  - C. A sanction that is extraordinarily disproportionate to the violation.
12. The College President will meet with the student and render a decision within seven (7) days. The decision of the President will be final.
13. In all non-grade appeals, the student may withdraw from College or the class of his/her own volition at any time during the disciplinary process.

### **3.19 Student Drugs and Alcohol Policy** *(Reaffirmed 12-2-1992; Revised 11-5-2001)*

It is the objective and goal of East Central College to provide a drug and alcohol-free environment for students.

#### **Procedures:** *(Revised 5-12-2008)*

- 3.19.1 **Explanation and Consequences of Prohibitive Behavior.** The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, an imitation controlled substance, or alcoholic beverages on College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites), or College sponsored functions is absolutely prohibited. An imitation controlled substance is a substance that is not a controlled substance, which by appearance (including color, shape, size, and markings), or by representations made, would lead a reasonable person to believe that a substance is a controlled substance.

Violations of this Policy will result in disciplinary actions, up to student expulsion, and may have legal consequences.

Instances of violations could result in the involvement of civil law enforcement authorities.

- 3.19.2 **Federal Law Compliance.** It is the College's intent and obligation to comply with the Drug-Free Workplace Act of 1988, Public Law 100-690, and update to the Drug-Free School Community Act of 1989, Public Law 101-226 to provide a drug-free, healthful, safe work environment.

- 3.19.3 **Student Responsibilities.** The College recognizes drug and alcohol abuse as a potential health, safety and security problem; and dependency as an illness for which there is effective treatment.

A. **Student Seeking Help.** Students needing help in dealing with such problems are encouraged to use the College's counseling services for referral assistance for treatment centers.

B. **Student Violations.** Student violations are subject to ECC procedures as outlined in the Student Discipline Policy (see 3.18).

### **3.21 Student Right-to-Know and Campus Security Act Policy** *(Revised 4-7-2003)*

East Central College will comply with all federal and state statutes and regulations concerning student right-to know, including Public Law 101-524, The Student Right-to-Know Act and Campus Security Act, as amended by Public Law 102-26, The Higher Education Technical Amendments. Detailed information regarding these statutes and regulations is available from the Chief Student Affairs Officer.

### **3.25 Student Protection Against Discrimination and Harassment** *(Adopted 6-16-2014)*

East Central College is committed to maintaining an educational environment that is free from illegal discrimination or harassment in admission or access to its programs, activities and facilities. This includes conduct on property owned or operated by the College, at College-sanctioned functions, and certain off-campus events.

Discrimination, harassment or retaliation against students or others on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, disability, age, genetic information, veteran status or any other characteristic protected by law is strictly prohibited in accordance with law. The College also prohibits:

1. Retaliatory actions based on making complaints of prohibited discrimination or harassment or based on participation in an investigation, formal proceeding or informal resolution concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination or harassment.
3. Discrimination or harassment against any person because of such person's association with a person protected from discrimination or harassment due to one (1) or more of the above-stated characteristics.

#### **General Rule**

Except as otherwise set forth in Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment.

This Policy addresses illegal discrimination or harassment directed at students, which does not rise to the level of sexual assault, relationship violence or stalking, as those terms are defined in Policy 3.26 Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking. Complaints regarding sexual assault, relationship violence or stalking are governed by Policy 3.26.

Policy 3.24 Student ADA Grievance Policy governs grievances by students who believe they have been denied requested accommodations or discriminated against on the basis of a disability in violation of the Americans with Disabilities Act, Sec 504 of the Rehabilitation Act or other related disability statutes. Students may file such a grievance under this Policy 3.25, Policy 3.26, or Policy 3.24; the College's Compliance Officer will determine which Policy governs resolution of the specific complaint.

The College also prohibits illegal discrimination and harassment against employees, and specific information about the College's Policy and response to allegations of illegal discrimination and harassment against employees is found in Policy 5.4.

**Definitions – the following definitions apply to this policy:**

**Discrimination** – Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status, or any other characteristic protected by law.

**Harassment** – A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status or any other characteristic protected by law: verbal, nonverbal, or physical aggression; stalking; graffiti; display of written material or pictures; name calling; slurs; jokes; gestures; stereotyping; threatening, intimidating or hostile acts; theft; or damage to property.

**Sexual Harassment** – A form of discrimination, as defined above, on the basis of sex. Sexual harassment, which includes sexual assault, includes a variety of unwelcome conduct of a sexual nature ranging from unwelcome sexual advances, requests for sexual favors, sexual exploitation, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault, that is sufficiently severe to the point it interferes with or limits a student’s ability to participate in or benefit from the College’s programs. Sexual assault is a severe form of sexual harassment and one instance may be sufficient to create a hostile environment.

**Complaint**– A verbal or written report of discrimination or harassment made to the Compliance Officer.

### **Compliance Officers**

The Board of Trustees designates the following individuals to act as the College’s Compliance Officers:

<u>Title IX Administrator</u> <u>Section 504 Administrator</u>	<u>Title IX Deputy Administrator</u> <u>ADA Administrator</u>
Vice President of Student Development East Central College 1964 Prairie Dell Road Union, MO 63084 636-584-6565	Director of Human Resources East Central College 1964 Prairie Dell Road Union, MO 63084 Phone: 636-584-6712

The Compliance Officer will:

1. Coordinate compliance with this policy and the law.
2. Receive all complaints regarding discrimination and harassment at East Central

College.

3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding changing this Policy or the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes discrimination and harassment.
9. Perform other duties as assigned by the College President.

### **Reporting a Complaint**

Students who believe that they have been victims of illegal discrimination or harassment, may file a formal (verbal, written, or online) complaint with the Vice President of Student Development and it will be promptly investigated. There is no time limit on the filing of complaints.

As noted above, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment. Such reports should be made to the Vice President of Student Development or the Director of Human Resources, as the College's Compliance Officers. All College employees will instruct persons seeking to make a complaint under this Policy to communicate directly with the College Compliance Officers. Even if the potential victim of discrimination, harassment, or retaliation does not file a complaint, College employees are required to report to the Compliance Officers any observations, rumors or other information regarding actions prohibited by this Policy.

After receiving a complaint, the Compliance Officer to whom the complaint is made will determine the appropriate College Policy for processing the complaint. Once the determination is reached, the Compliance Officer will notify the student making the complaint of which College Policy will govern the disposition of the student's complaint.

### **Interim Measures**

When a report is made or the College otherwise learns of potential discrimination, harassment or retaliation, the College will, if appropriate, take immediate action to protect the alleged victim, including implementing interim measures. For example, the College may alter a student's class schedule, provide additional support for a student (such as counseling or academic support), suspend an employee pending an investigation, or, if applicable, alter transportation or working situations. The College will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred. The College will provide these types of interim measures if requested by the victim and if such measures are reasonably available and appropriate in the circumstances. Individuals are encouraged to speak with the College's Compliance Officers about the availability of such measures. In the case of a confidential reporting, the Reporting Party should speak with the College counselor to whom they made the report about any requested interim measures.

### **Procedure for Investigation and Resolution of Complaints**

In determining whether alleged conduct constitutes discrimination or harassment, the College will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, College officials determine that it is more likely than not that discrimination, harassment or other prohibited behavior has occurred, the College will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview the person making the complaint regarding the nature and specifics of the incident(s);
2. Interview the person accused; and
3. Interview other possible witnesses, if appropriate.

#### **A. Complaints Against Employees of the College**

If a complaint under this Policy is against an employee of the College, the complaint will be investigated by the Director of Human Resources or designee, and will be handled according to the procedures found in Policy 5.4. Employees who violate this Policy will be disciplined, up to and including employment termination.

#### **B. Complaints Against College Students**

If a complaint under this Policy is against another student, the complaint will be investigated by the Vice President of Student Development or designee.

Both the person making the complaint and the person accused will have equal opportunity to provide relevant information, including the identities of any witnesses they believe should be contacted as part of the investigation.

After reviewing all the relevant information, the Vice President of Student Development or designee will render a determination as to whether the Policy was violated and what additional actions may be necessary, including disciplinary action against the person accused and/or making available to the victim appropriate College resources.

Students who violate this policy will be disciplined, which may include suspension or expulsion. Other possible sanctions are found in the Student Discipline Code.

The Vice President of Student Development will notify both the complainant and the person accused of his or her determination, but, unless otherwise authorized by law, will only notify the complainant of any sanctions imposed against the accused student, to the extent such sanctions impact the complainant, such as a determination that the accused may not come within a certain distance of the complainant.

### **B.1. Appeals**

If either the person making the complaint or the person accused disagrees with the Vice President of Student Development or designee's determination, either student may request that the complaint be handled according to the procedures found in the Student Discipline Policy, Policy 3.18.

### **Confidentiality, Records and Counseling**

To the extent practicable, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any complaint or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation, or resolution of a complaint, or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this Policy or when required by law.

In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records.

Information regarding any resulting employee or student disciplinary action will be

maintained and released in the same manner as any other disciplinary record.

Any student who believes he/she has been a victim of illegal discrimination or harassment has the option of speaking confidentially to a College counselor. Counseling services are available at no cost to the student 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 or harassment to the Compliance Officer.

### **3.26 Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking** *(Adopted 6-16-2014)*

East Central College is committed to maintaining an educational environment that is free from illegal discrimination or harassment in admission or access to its programs, activities and facilities. This includes conduct on property owned or operated by the College, at College-sanctioned functions, and certain off-campus events. Sexual assault, as that term is defined in this Policy, is a form of sexual harassment and is strictly prohibited. Relationship violence and stalking may also be forms of discrimination and harassment and are also strictly prohibited. For purposes of this Policy, “relationship violence” refers to both dating and domestic violence, as those terms as defined below. The College also prohibits:

1. Retaliatory actions based on making complaints of prohibited discrimination or harassment or based on participation in an investigation, formal proceeding or informal resolution concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination or harassment.
3. Discrimination or harassment against any person because of such person’s association with a person protected from discrimination or harassment as described in this Policy.

#### **General Rule**

The College is committed to ensuring that all students feel and are free to benefit fully from the College’s programs and activities. As part of this commitment, the College seeks to create an environment that encourages individuals to report incidents of sexual assault, relationship violence and stalking. Reporting allows the College to provide support to victims, and is the only procedure through which the College can address offenders and attempt to reduce the risk of future occurrences. This Policy provides information about how individuals may report allegations of sexual assault, relationship violence and stalking to the College, how the College responds to such reports, as well as information about resources available to victims of sexual assault relationship violence and stalking.

In investigating and responding to complaints of sexual assault, relationship violence or stalking, the College's primary focus is to address the sexual assault, relationship violence or stalking, and, in most cases, the College will grant amnesty to a Reporting Party for other potential violations, such as alcohol violations. Such potential violations should not discourage a Reporting Party from notifying the College of incidents of sexual assault, relationship violence or stalking.

This Policy addresses behavior where the Accused Individual is a student. Behavior that does not rise to the level of sexual assault, relationship violence or stalking, as those terms are defined in this Policy, may still violate College Policy, and may be addressed by the College's Policy regarding Student Protections Against Discrimination and Harassment (Policy 3.25) or the College's Student Conduct Policy (Policy 3.17). In the event the Accused Individual is an employee, the reporting procedures and resources are the same as set forth in this Policy, but the investigation and response to allegations against employees is found in Policy 5.4.

**Definitions – the following definitions apply to this Policy:**

**Accused Individual** – Any person identified by the Reporting Party as the perpetrator of sexual assault, relationship violence or stalking.

**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 Accused Individual has taken advantage of a position of influence which that person has over the Reporting Party. 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.

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition: (a) A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. (b) Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse. (c) Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** – (1) A felony or misdemeanor crime of violence committed--  
(a) By a current or former spouse or intimate partner of the victim; (b) By a person with

whom the victim shares a child in common; (c) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) 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 in which the crime of violence occurred. (2) Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual, or physical abuse.

**Discrimination** – Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status, or any other characteristic protected by law.

**Harassment** – A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status or any other characteristic protected by law: verbal, nonverbal, or physical aggression; stalking; graffiti; display of written material or pictures; name calling; slurs; jokes; gestures; stereotyping; threatening, intimidating or hostile acts; theft; or damage to property.

**Reporting Party** – A member of the College community, who reports to the College that he or she has been the victim of alleged sexual assault, relationship violence, and/or stalking.

**Sexual Assault** – A form of sexual harassment, and is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual assault includes intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, thighs, buttocks, or other intimate parts. Sexual assault also includes attempted or actual sexual penetration of any kind without a person's consent.

**Sexual Harassment** – A form of discrimination, as defined above, on the basis of sex. Sexual harassment, which includes sexual assault, includes a variety of unwelcome conduct of a sexual nature ranging from unwelcome sexual advances, requests for sexual favors, sexual exploitation, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault, that is sufficiently severe to the point it interferes with or limits a student's ability to participate in or benefit from the College's programs. Sexual assault is a severe form of sexual harassment and one instance may be sufficient to create a hostile environment.

**Stalking** – Activity that may be a form of harassment, as defined above, that involves engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer

substantial emotional distress. For purposes of this definition, a course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Stalking may involve physical stalking and/or cyber stalking.

### **Compliance Officers**

The Board of Trustees designates the following individuals to act as the College's compliance officers:

<u>Title IX Administrator</u> <u>Section 504 Administrator</u>	<u>Title IX Deputy Administrator</u> <u>ADA Administrator</u>
Vice President of Student Development East Central College 1964 Prairie Dell Road Union, MO 63084 636-584-6565	Director of Human Resources East Central College 1964 Prairie Dell Road Union, MO 63084 Phone: 636-584-6712

The compliance officer will:

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding discrimination and harassment at East Central College.
3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding changing this Policy or the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes discrimination and harassment.
9. Perform other duties as assigned by the College President.

## **Reporting a Complaint**

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 a Compliance Officer.

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 Reporting Party 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 Administrator, who will make such information available to any interested person.

The College provides several options for reporting incidents of sexual harassment, including, sexual assault, relationship violence, and/or stalking:

1. **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.
2. **Formal Complaint** – Individuals may also file a formal (verbal, written, or online) complaint with the Vice President of Student Development and it will be promptly investigated. There is no time limit on the filing of complaints, though the College encourages prompt reporting, as delayed reporting may hinder the College's ability to pursue disciplinary action against an Accused Individual.
3. **Criminal Report** – 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.

Upon receiving a complaint of sexual assault, relationship violence or stalking, the College will provide to the Reporting Party a written notice describing the reporting options listed above. Reporting Parties are not limited to one form of reporting and may pursue multiple methods of reporting options.

In addition, except as otherwise provided in this Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment, which includes sexual assault and may include relationship violence and stalking. Such reports should be made to the Vice President of Student Development or the Director of Human Resources, as the College's Compliance Officers. All College employees will instruct persons seeking to make a complaint under this Policy to communicate directly with the College compliance officers. Even if the potential victim of discrimination, harassment, or retaliation does not file a complaint, College employees, except members of the College's counseling staff who are considered confidential reporters, are required to report to the Compliance Officers any observations, rumors or other information regarding actions prohibited by this Policy.

After receiving a complaint, the Compliance Officer will determine the appropriate College Policy for processing the complaint. In making this determination, the Compliance Officer will consider the specific facts alleged by the Reporting Party. Allegations related to acts of Sexual Assault, Relationship Violence or Stalking, as those terms as defined in this Policy, will be processed according to this Policy. Allegations that may constitute sexual or other forms of harassment prohibited by the College, but not rising to the level of Sexual Assault, Relationship Violence or Stalking, will be reviewed according to Policy 3.25 Student Protection Against Discrimination. Once the determination is reached, the Compliance Officer will notify the Reporting Party of which College Policy will govern the disposition of the Reporting Party's complaint, and will provide the Reporting Party with a copy of the applicable Policy. The College encourages the Reporting Party to seek clarification from the Compliance Officer if the Reporting Party believes the Compliance Officer has selected the wrong Policy to resolve the complaint.

### **Interim Measures**

When a report is made or the College otherwise learns of potential discrimination, harassment or retaliation, the College will, if appropriate, take immediate action to protect the alleged victim, including implementing interim measures. For example, the College may alter a student's class schedule, provide additional support for a student (such as counseling or academic support), suspend an employee pending an investigation, or, if applicable, alter transportation or working situations. The College will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred. The College will provide these types of interim measures if requested by the victim and if such measures are reasonably available and appropriate in the circumstances. Individuals are encouraged to speak with the College's Compliance Officers about the availability of such measures. In the case of a confidential reporting, the Reporting

Party should speak with the College counselor to whom they made the report about any requested interim measures.

### **Procedure for Investigation and Resolution of Complaints**

In determining whether alleged conduct constitutes a violation of College Policy, the College will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, College officials determine that it is more likely than not that prohibited behavior has occurred, the College will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview the Reporting Party regarding the nature and specifics of the incident(s);
2. Interview the Accused Individual; and
3. Interview other possible witnesses, if appropriate.

#### **A. Complaints Against Employees of the College**

If a complaint under this Policy is against an employee of the College, the complaint will be investigated by the Director of Human Resources or designee, and will be handled according to the procedures found in Policy 5.4. Employees who violate this Policy will be disciplined, up to and including employment termination.

#### **B. Complaints Against College Students**

If a complaint under this Policy is against another student, the complaint will be investigated by the Vice President of Student Development or designee. The procedures will follow those set forth in the Student Code of Conduct, except that to the extent there are any inconsistencies between the Student Code of Conduct and this Policy, the procedures set forth in this Policy will apply in cases of Sexual Assault, Relationship Violence, or Stalking:

1. The College will conduct a thorough, fair, and impartial investigation.
2. Proceedings under this Policy will be conducted without undue delay, and will be conducted by officials who receive annual training on the issues related to relationship violence, sexual assault, and stalking, and how to conduct a hearing process that protects victim safety and promotes accountability. In general, proceedings pursuant to this Policy, including adjudication through the Student Discipline Policy, should be completed within sixty (60) days of the Reporting

Party's complaint to the Compliance Officer.

3. Mediation will not be used in cases alleging sexual assault, relationship violence, or stalking.
4. The Compliance Officer or designee may issue a "no contact" order to all parties identified in a sexual assault, relationship violence, or stalking complaint. The Compliance Officer will consider other interim measures that may be appropriate.
5. Both the Reporting Party and the Accused Individual will have equal opportunity to provide relevant information, including the identities of any witnesses they believe should be contacted as part of the investigation. Both the Reporting Party and the Accused Individual have the right to have an advisor of their choosing present during any meetings or proceedings related to the investigation. For purposes of this Policy only, there is no limitation on the choice of an advisor by either the Reporting Party or the Accused Individual. The limitations on the role of legal counsel in a disciplinary proceeding are defined by the Student Discipline Policy.
6. After reviewing all the relevant information, the Vice President of Student Development or designee will render a determination as to whether the Policy was violated and what additional actions may be necessary, including disciplinary action against the Accused Individual and/or making available to the Reporting Party appropriate College resources. In making this determination, the Vice President of Student Development or designee will utilize a "preponderance of the evidence standard," meaning that he or she will determine whether it is more likely than not that a Policy violation occurred.
7. Students who violate this Policy will be disciplined, which may include suspension or expulsion. Other possible sanctions are found in the Student Discipline Policy.
8. The Vice President of Student Development will notify both the Reporting Party and the Accused Individual, in writing, of his or her determination. The written notification will also notify both the Reporting Party and the Accused Individual of the availability of appeal, as described below.
9. If either the Reporting Party or the Accused Individual disagrees with the Vice President of Student Development or designee's determination, either student may request that the complaint be handled according to the procedures found in the Student Discipline Policy, Policy 3.18. In those circumstances, both the Reporting Party and the Accused Individual will have equal opportunity to participate in the process, and the process will utilize a "preponderance of the evidence standard," meaning that it will determine whether it is more likely than not that a Policy violation occurred.
10. At the conclusion of any portion of the disciplinary proceeding, including any appeal, both the Reporting Party and the Accused Individual will be notified in writing, and simultaneously, of the result of that portion of the disciplinary proceeding, when that result becomes final, and the availability of any appeal.

## **Confidentiality, Records and Counseling**

To the extent feasible, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any complaint or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation, or resolution of a complaint, or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this Policy or when required by law.

In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records.

Any student who believes he/she has been a victim of illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking has the option of speaking confidentially to a College counselor. Counseling services are available at no cost to the student 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 Compliance Officer.

## **Training and Awareness Programs**

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:

5. 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;
6. Information about how to recognize warning signs of abusive behavior in order to mitigate the likelihood of perpetration, victimization, or bystander inaction;
7. 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;
8. 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 Administrator, who will make such information available to any interested person.

**4.36 Safety Policy** (*Reaffirmed 12-2-1991; Revised 8-25-2008*)

East Central College will endeavor to provide a safe and healthful work environment for all employees and to minimize the risk of loss to personnel and property of the College.

**Procedures:**

- 4.36.1** Compliance with standard safety practices will assist the College in achieving safety and loss control.
1. College employees involved in any accident that results in personal injury or damage to property should immediately report the accident to a supervisor and the Director of Human Resources.
  2. Any employee injuries should receive first aid promptly as overseen by a supervisor and if injuries are serious, local emergency health care providers should be contacted.
  3. Any condition or practice that might cause injury or damage to equipment should be reported immediately to a supervisor or the Director of Human Resources.
  4. No equipment in unsafe condition should be operated, and all equipment should be operated in a safe manner.
  5. All prescribed safety and personal protective equipment should be used when required and maintained in working condition.
  6. Each unit should develop and implement the standards of safety and loss control relevant to its work and should maintain a manual of prescribed practices, a list of safety rules and training so that all employees are aware of such standards and practices.
  7. The use of drugs and/or alcohol is prohibited.
  8. Compliance with existing safety and health laws that apply to the workplace is required.

**4.37 Reporting Crimes and Emergencies** (*Adopted 8-25-2008*)

Any student, employee or visitor who witnesses a criminal act, suspected criminal act or any other emergency occurring at any College location should, as soon as possible after such event, contact a College official who has significant responsibility for student and College activities. All reports concerning such activities will be

investigated thoroughly and promptly, and timely reports regarding the occurrence of crimes at any College location will be disseminated to members of the College community in accordance with applicable laws.

**4.38 Security and Access to College Facilities** *(Adopted 8-25-2008)*

The College, in considering security and access to College facilities, has attempted to balance the need for convenience and accessibility with that of adequate security. To that end, most College facilities should generally be accessible to all students, employees and visitors during normal business hours. After normal business hours, access to College facilities may be restricted to students, employees and selected visitors, each of whom may be required to display proper identification upon request.

**4.40 Weapons** *(Adopted 5-8-2006)*

East Central College prohibits all persons who enter any College property from carrying on his/her person a handgun, firearm, or other weapon prohibited by law.

**Procedures:**

- 4.40.1** No person shall carry a concealed firearm onto the main campus or off-site locations at any time regardless of whether the person is licensed to carry the weapon or not.
- 4.40.2** This prohibition shall apply to students, employees and members of the public. The prohibition shall not apply to law enforcement officers, sheriffs, and deputy sheriffs who are authorized by law to carry firearms.
- 4.40.3** Any person who has a conceal and carry permit or endorsement who is carrying a concealed firearm will be denied entry and ordered to leave the premises. All College employees are authorized to deny entry and order persons carrying concealed firearms to leave the premises.
- 4.40.4** College employees and students who violate the provisions of this policy shall be subject to disciplinary action up to and including dismissal.
- 4.40.5** The College shall post appropriate notice that concealed firearms are prohibited at all College locations.

**5.2 Employee Conduct and Discipline** *(Adopted 6-1-1992; Revised 12-2-2002; Reaffirmed 4-15-2014)*

Standards for employee conduct are necessary for the efficient and effective operation of the College, for ensuring a professional image for the College, and for the benefit and safety of all employees. Failure to meet these standards may be grounds for discipline.

## **Procedures:**

### **5.2.1 Expected Conduct** *(Revised April 15, 2014)*

All employees are expected to conduct themselves in a manner conducive to the efficient, effective, professional operation of the College. Such conduct includes:

- (a) Reporting to work punctually as scheduled and being at the proper work station ready for work at the assigned starting time.
- (b) Notifying the supervisor in advance of absence from work or inability to report on time, and following established department requirements for such notifications.
- (c) Wearing required protective clothing or devices for safety purposes and complying with all College safety regulations and procedures, including those established for labs and other instructional settings.
- (d) Complying with all College Policies.
- (e) Wearing clothing appropriate for the work being performed.
- (f) Maintaining an orderly work area.
- (g) Treating all students, fellow employees and others affiliated with the College, as well as visitors, in a courteous manner.
- (h) Refraining from conduct or communication deemed offensive, disrespectful or unprofessional.

### **5.2.2 Prohibited Conduct** *(Revised 4-15-2014)*

The following conduct is prohibited and will subject the individual involved to disciplinary action, including termination of employment.

- (a) Reporting to work under the influence of alcoholic beverages and/or controlled substances or selling, dispensing or unlawfully possessing alcoholic beverages and/or controlled substances on College premises or at College-sanctioned events.
- (b) Possession of firearms or other weapons on College property or at College-sanctioned events.
- (c) Threats, assault, and/or battery of a fellow employee, student, ~~or~~ visitor, or any other individual affiliated with the College.
- (d) Bullying which includes but is not limited to verbal, emotional or physical abuse, coercion and/or intimidation.

- (e) Slanderous or defamatory speech regarding a fellow employee, student, or any other individual affiliated with the College, as well as visitors to the College. This prohibition includes speech that is false, defamatory and malicious, spoken with a deliberate or reckless disregard of the truth, and with intention to damage another person or persons.
- (f) Theft, destruction, defacement or misuse of College property or of another employee's property.
- (g) Falsifying or altering any College record, report, or timecard. Falsifying or misrepresenting any employment application materials, including, but not limited to, credentials, work or military experience, or references.
- (h) Failure to wear assigned safety equipment or failure to abide by safety rules and policies.
- (i) Engaging in any form of sexual harassment.
- (j) Failure to improve unsatisfactory performance.
- (k) Excessive absences or tardiness.
- (l) Failure to perform assigned duties.
- (m) Violation of federal or state laws, the policies of the Board of Trustees of The Junior College District of East Central Missouri, or conviction of a felony or crime involving moral turpitude.
- (n) Insubordination.
- (o) Discrimination on the basis of race, color, gender, ancestry, sexual orientation, age, religion, national origin, veteran status, genetic information or disability.
- (p) Violation of the College's Information Technology Policy found on the College web site.
- (q) Other misconduct not specified above which is sufficiently serious and detrimental to the best interests of the College to warrant disciplinary action.

### **5.2.3 Disciplinary Actions** *(Revised 4-15-2014)*

In most instances, work-related problems should be resolved at the employee-supervisor level. If an employee's conduct or performance necessitates corrective action, several actions fall within the purview of the supervisor. These may include informal counseling, verbal and written warnings, referral to the Employee Assistance Program (EAP), a performance improvement plan and/or recommendation for further discipline, including suspension or termination.

When considering discipline that includes a supervisor referral to the EAP, suspension or termination, the supervisor will work with the Division Vice President and Director of Human Resources. The Director of Human Resources shall provide leadership for the process in order to assure that discipline is imposed in accordance with personnel policies.

If necessary, the President of the College may assign the Director of Human Resources to conduct an investigation of the situation and make a written report regarding the circumstances and recommended action to the Division Vice President and the President of the College.

- a. If the individual in question is the Director of Human Resources, the President of the College shall appoint a College official to investigate and submit a report to the President of the College.
- b. If the individual in question is the President of the College, the President of the Board of Trustees shall appoint a representative to investigate and submit a report to the President of the Board of Trustees.

The College President will have final approval for the recommended disciplinary action, except in cases: (1) involving the College President, in which case disciplinary action shall be determined by the Board of Trustees or (2) requiring due process procedures, as defined below in section 5.2.4, in which case such procedures shall be followed.

In the interests of both the employee and the College, any investigation of potential disciplinary situations should be concluded expeditiously.

Disciplinary action may include but is not limited to the following, depending on the severity of the infraction: verbal warning, written warning, demotion, suspension with or without pay, and termination.

- (a) **Verbal Warning** - A reasonable number of ~~oral~~ verbal warnings may be given, at the discretion of the supervisor. Such warnings shall be noted in writing and placed in the individual's personnel file in Human Resources.
- (b) **Written Warning** - A supervisor 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.

- (c) **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. If applicable, the College will follow the due process procedures established in 5.2.4.
- (d) **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.

**5.2.4 Due Process Procedures for Suspension or Termination of Contractual Employees** *(Revised 12-2-2002, 4-15-2014)*

- (a) Due process procedures for suspension or termination apply only to contractual employees, including full-time, faculty, administrators, and professional staff, and do not apply to at-will employees such as support staff and part-time instructors. These procedures also do not apply to (1) non-renewal of a limited term contract, (2) non-renewal of an annual contract, or (3) non-renewal of a continuous contract of a faculty member if such non-renewal is authorized by Policy 5.14.8C.
- (b) The President of the College has the discretion to initiate disciplinary action involving suspension or termination beginning at Step 2.
- (c) The following procedural steps are to be followed when a recommendation for suspension or termination is made. While legal requirements should be met, the intent of these is to establish simple steps that ensure fair treatment for all parties involved.

**Step 1: Attempt at Resolution** - If the President of the College agrees that the employee should be suspended or terminated, the President of the College or his/her designee shall meet with the employee and his/her representative to determine if a mutually agreeable disposition of the matter can be reached.

**Step 2: Formal Proceedings/Board of Trustees** - If no mutually agreeable disposition can be reached, formal proceedings shall be brought before the Board of Trustees. Such proceedings shall be initiated by the President of the College giving the employee written notice of a hearing and the charges which warrant suspension or termination. The employee in question shall remain in his/her position during the formal proceedings unless suspended by the President of the College. Such suspension shall be with pay unless the Board of Trustees decides otherwise.

- a. The notice shall provide that a hearing shall be held before the Board of Trustees on a particular day and at a certain time and place; that the individual in question may be present with or without a representative or attorney; and that he/she may present witnesses and other evidence on his/her behalf and may question witnesses presented by the College. The notice and charges must be received by the employee at least 10 days prior to the hearing.
- b. Should the individual in question not appear for the hearing, the disciplinary action proposed may be imposed by the Board without a hearing. Should the individual in question or his/her representative request additional time in which to prepare, the Board of Trustees, at its discretion, may grant such additional time and continue or postpone the hearing to another day and time.
- c. The hearing shall be conducted at the time and place called for in the notice or at the postponed time, if additional time is granted. The President of the Board of Trustees shall preside at the hearing unless the Board decides otherwise. Such hearing shall not be public and either party may ask that witnesses be present only during the time of their testimony. A recording shall be made of the hearing proceedings and a copy shall be made available to the employee whose discipline is in question.
- d. Formal legal rules of evidence need not be followed, and the Board President or other presiding officer shall determine what evidence may or may not be presented. The proper College official(s) or representative/attorney shall present the institution's position. The employee in question or his/her representative shall have the right to question any witness called by the College, just as the College's representative may question any witness called by the employee.

- e. At any time during the proceedings, any member of the Board of Trustees may question any witness or call for a point of order to be clarified.
- f. After testimony has been presented and each side has concluded its presentation, the Board of Trustees shall retire to review all information submitted and render a determination. The decision, which shall be in writing, shall be made no more than 30 working days from the date of the Board hearing.
- g. The decision of the Board of Trustees shall be final.

#### **5.4 Protection Against Sexual Harassment** *(Adopted 10-6-2014)*

East Central College is committed to maintaining a workplace and educational environment that is free from sexual harassment based on gender or sexual orientation. The College also prohibits:

1. Retaliatory actions based on making complaints of sexual harassment or based on participation in an investigation, formal proceeding or informal resolution concerning sexual harassment.
2. Aiding, abetting, inciting, compelling or coercing sexual harassment.

#### **Procedures** *(Adopted 10-6-2014)*

##### **5.4.1 General Rule**

Except as otherwise set forth in Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute sexual harassment.

##### **5.4.2 Definitions – the following definitions apply to this Policy:**

**Compliance Officer** – The College designated individual(s) responsible for compliance with Title IX in regards to students and employees.

**Complaint** – An informal or formal report of sexual harassment made to a Compliance Officer.

**Discrimination** – Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on an employee's protected status, such as gender or sexual orientation. A complaint of Sex Discrimination as defined herein, is grieved through Policy 5.3.

**Harassment** – A form of discrimination that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. This is also sometimes referred to

as hostile work environment when the harassment is related to an employee's protected status, such as gender or sexual orientation.

**Sexual Harassment** – A form of discrimination on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the College's programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures, display of pictures or written material, or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

#### **5.4.3 Designated Compliance Officer(s)**

The Board of Trustees designates the following individual(s) to act as the College's compliance officers:

The Vice President of Student Development will serve as the Administrator for Title IX and Section 504 in regards to students at the College or designated locations. The Administrator has responsibility for compliance as it relates to students. The Administrator is located on the main campus of East Central College at 1964 Prairie Dell Road, 131 Buescher Hall, Union, MO 63084. Phone: 636-584-6565, Email: [stnotice@eastcentral.edu](mailto:stnotice@eastcentral.edu).

The Director of Human Resources will serve as the Deputy Administrator for Title IX and ADA in regards to employees, contractors, and visitors to the College or designated locations. The Deputy Administrator is located on the main campus of East Central College, 1964 Prairie Dell Road, MP005, Union, MO 63084. Phone: 636-584-6712, Email: [hrnotice@eastcentral.edu](mailto:hrnotice@eastcentral.edu).

#### **5.4.4 Responsibilities of the Deputy Administrator for Title IX and ADA:**

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding sexual harassment at East Central College in regards to employees, contractors and visitors to the campus or designated locations.
3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes sexual harassment.
9. Perform other duties as assigned by the College President.

#### **5.4.5 Informal Complaint Process**

In cases where an employee feels that he/she has been subjected to any suspicious/ questionable behavior or sexual harassment as defined in this Policy, the person may, if appropriate, attempt to resolve the situation by using the following informal procedures:

1. Communicate that the behavior is unwelcome, requesting that the unwelcome behavior stop immediately. Document the date and time of the conversation. Inform the immediate supervisor and/or Human Resources;  
  
and/or
2. Speak with the appropriate supervisor and/or Human Resources who may speak with the person whose behavior is unwelcome. Document the date and time of the conversation. The supervisor will document and report the incident to Human Resources.

Informal complaints that have not been resolved to the satisfaction of the employee will be referred to the Office of Human Resources for investigation and resolution.

#### **5.4.6 Formal Complaint Process**

Employees or other individuals, who are not students, and who believe that they have been victims of sexual harassment may file a formal complaint with the Office of Human Resources for investigation by the Deputy Administrator for Title IX or designee.

Students who believe they have been victims of sexual harassment, as referenced in Policy 3.25, or sexual violence as referenced in Policy 3.26, may file a formal complaint with the Administrator of Title IX or designee and it will be promptly investigated.

#### **5.4.7 Procedure for Investigation of Complaints**

The Deputy Administrator of Title IX or designee will investigate all complaints. All persons are required to cooperate fully in the investigation. The Deputy Administrator of Title IX or designee may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes sexual harassment, the Deputy Administrator of Title IX or designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, the Deputy Administrator of Title IX or designee determines that it is more likely than not that sexual harassment or other prohibited behavior has occurred, College officials will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview complainant regarding the nature and specifics of the incident(s) (complainant will make written statement);
2. Interview the person accused (accused will make written statement); and
3. Interview other possible witnesses, if appropriate (witnesses will make written statements).
4. The Deputy Administrator of Title IX or designee will prepare a written factual findings report.
5. The Deputy Administrator of Title IX or designee will determine if a violation of the Policy more likely than not occurred based on the facts of the investigation.
6. The Deputy Administrator of Title IX or designee will provide the College President a copy of the written report and a recommendation on the determination as to whether or not the alleged conduct is a violation of this Policy.
7. The College President will review the findings and determine the appropriate response and/or corrective action or discipline, if any, according to Policy 5.2.
8. The decision is final and cannot be grieved through Policy 5.3.

#### **5.4.8 Confidentiality and Records**

To the extent practical, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties

interviewed, and any information or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation or resolution of a complaint or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this Policy or when required by law. In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

#### **5.4.9 Employee's Obligation**

Accountability for compliance with this Policy will be the responsibility of all employees. Employees will be required to complete sexual harassment prevention training as determined by the College.

Any employee who believes he/she has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that an employee or visitor to the College or designated locations has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that a student has been a victim of sexual harassment is required to report to the Vice President of Student Development and refer to Policy 3.25 Student Protection Against Discrimination and Harassment.

Any employee who believes or has knowledge that a student has been a victim of sexual assault, relationship violence or stalking is required to report to the Vice President of Student Development and refer to Policy 3.26 Student Protections Against Sexual Assault, Relationship Violence or Stalking.

In addition, all employees are required to fully cooperate during an investigation. This includes the requirement that employees should only make truthful reports and complaints.

#### **5.4.10 Appropriate Supervisory Relationships**

While it is not the intent of the College to regulate employees' social interactions or relationships freely entered into, romantic relationships between a supervisor and a directly supervised employee as well as romantic relationships between a faculty member and his/her student are strongly discouraged. Human Resources should be notified of such relationships.

Should a supervisor enter into a relationship with a subordinate, the College reserves the right to reassign the employee.

#### **5.4.11 Consequences**

Employees who violate this Policy will be disciplined, up to and including employment termination according to Policy 5.2 Employee Conduct and Discipline.

Contractors, visitors or others who violate this Policy may be prohibited or restricted from the College's main campus, designated properties or College sanctioned events.

### **5.10 Criminal Background Check** (Adopted 10-7-2013)

East Central College is committed to providing a safe environment for students, employees and members of the public. As part of this effort, the College will require criminal background checks of employees in accordance with this policy. The Board directs the College President or designee to develop procedures and practices consistent with this policy.

#### **Employees**

The College shall conduct a criminal background check on all new full-time employees before they are employed, and on such other applicants for part-time employment as the College deems necessary. This requirement extends to applicants who were previously employed by the College. The College reserves the right to require any current employee to submit to criminal background checks or to rerun background checks for any employee at any time at the College's expense. Any offer of new employment or continued employment is contingent upon the satisfactory outcome of the criminal background check, when required. The College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

For purposes of this policy, a "criminal background check" includes, but may not be limited to, investigating criminal history for misdemeanors and felonies on the county, state and federal levels and reviewing sex offender registries nationwide.

Current employees, who have been hired prior to the implementation of this procedure, may be subject to a criminal background check based on the position and/or teaching requirements and location. Mandatory criminal background checks are required for the following categories of positions:

- Employees performing College work at a site located in a public school district;
- Head Coaches and Assistant Coaches; and
- Designated academic/technical programs, including but not limited to, Nursing, Teacher Education, Medical Assisting, Health Information Management, Radiological Technology, Certified Nursing Assistant, Certified Medication

Technician, Computer Information Systems, Occupational Therapy Assistant, Respiratory Care, EMT and Paramedic programs

### **College Notification**

As a condition of continuing to work within the College, an employee must notify the College if the employee is convicted or otherwise found guilty of any felony, regardless of the imposition of sentence. This notification should be made to the Director of Human Resources. This notification must be made as soon as possible, but no later than ten (10) business days after the event.

### **Confidentiality**

Information received by the College pursuant to a criminal background check is confidential. The College will only use this information for the College's internal purposes in determining the suitability of an applicant or employee. The College will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the College. The College will comply with all applicable laws regarding criminal background checks.

### **Consequences**

Any offer of new employment or continued employment is contingent upon the outcome of the criminal background check, when required. The College will provide applicants or employees whose criminal background checks contain information upon which the College might base an adverse employment action an opportunity to explain or dispute the relevant information. In all cases the College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

The College President or designee is directed to exclude any person from employment who refuses to submit to a background check or to take disciplinary action for current employees refusing to submit to a background check.

The College President or designee is directed to exclude any person from employment based upon the position, or to take action to terminate employment based upon the position, whose criminal background check reveals that he/she has exhibited behavior that is violent or harmful to others.

## **5.42 Drugs and Alcohol Free Workplace** *(Reaffirmed 12-2-1991; Revised 7-30-20012, 11-4-2013)*

It is the objective and goal of East Central College to provide a drug and alcohol-free environment.

### **Procedures:**

### **5.42.1 Federal Law Compliance**

It is the College's intent and obligation to meet compliance with the Drug-Free Work Place Act of 1988, Public Law 100-690, and update to the Drug-Free School Community Act of 1989, Public Law 101-226 to provide a drug-free, healthy, and safe work environment.

### **5.42.2 Explanation and Consequences of Prohibitive Behavior**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, narcotics or alcoholic beverages on the College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites) or College-sponsored functions is absolutely prohibited. This includes reporting to work under the influence of alcohol or illegal drugs and/or having a detectable level of alcohol or an illegal drug present in one's system while on the job, operating College vehicles or on any College premises. Violations will result in disciplinary action, up to employment termination, and may have legal consequences. All employees and applicants are required to comply with the Drugs and Alcohol Policy as a condition of employment.

Instance of violations could result in the involvement of civil law enforcement authorities. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence or using those substances while working; or dispensing, distributing, or illegally manufacturing or selling them on College premises.

Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction in writing to the Human Resources Office within five days, and the Human Resources Office will take appropriate action as required by law.

### **5.42.3 Drug and Alcohol Testing**

Employees may be asked to take a test if there is reasonable suspicion to believe that an employee is under the influence of an illegal drug and/or alcohol. The following circumstances could cause reasonable suspicion:

1. Observed drug or alcohol use.
2. Apparent physical state of impairment.
3. Incoherent mental state.
4. Marked change in personal behavior that is otherwise unexplainable.
5. Deteriorating work performance that is not attributable to other factors.
6. An accident where there is reasonable suspicion that drugs or alcohol may be a factor.

7. Any circumstances which cause a reasonable suspicion that an employee is under the influence of illegal drugs and/or alcohol.

The test will determine the presence of drugs, narcotics, or alcohol, unless such tests are prohibited by law. Employees who agree to take the test must sign a consent form authorizing the test and the College's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the College are the property of the College, and the examination records will be treated as confidential and held in separate medical files.

#### **5.42.4 Employer and Employee Responsibilities** *(Revised 11-4-2013)*

- A. Supervisors should report immediately to the division Vice President and Human Resources Office any action by an employee that might pose a danger to himself/herself or others. The Director of Human Resources, the division Vice President, and the College President or his/her designee will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises and, to the extent allowed by law, may be suspended without pay. Alternate transportation must be arranged by the employee. If the employee is unable to secure transportation, alternate transportation will be provided at the employee's expense (i.e. taxi). At no time will a current employee be allowed to transport the employee who is under the influence.

Employees are to report to the division Vice President or Director of Human Resources any suspicious behavior of a co-worker, employee, student or campus visitor that may be alcohol or drug related without fear of retaliation. To the extent possible, the report will be handled in a confidential manner.

- B. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek help through the Employee Assistance Program. Authorization to return to work will be required. Employees who participate in a treatment program will be expected to meet existing job performance standards and established work rules.
- C. Nothing in this statement is to be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary measures in the case of poor performance or misconduct.

- D. It must be understood that this policy has no bearing whatsoever on what employees do on their own time unless it reflects on their job performance.

**5.42.5 Alcohol and Drug-Free Awareness Program** *(Revised 11-4-2013)*

The College will inform employees as deemed necessary about:

- A. The dangers of alcohol and drug abuse in the workplace.
- B. The College's policy and procedures for maintaining an alcohol and drug-free workplace.
- C. Any available drug counseling, rehabilitation and employee assistance programs.
- D. The penalties that may be imposed upon employees for alcohol and drug abuse violations occurring in the workplace.

**5.42.6 Treatment** *(Revised 11-4-2013)*

Employees who suspect that they may have an alcohol or drug dependency problem are encouraged to seek diagnosis and follow through with the treatment that is prescribed by qualified professionals in order to arrest the problem. Employees having these problems will receive treatment that is extended under the College's health benefit plans and are encouraged to seek additional and/or alternate treatment that may be available at the employee's own expense.