2026 Flint Hills Technical College
Campus Security Report
2025 Calendar Year

In compliance with the "Jeanne Clery Campus Safety Act", formerly known as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act", formerly known as the "The Student Right to Know and Campus Security Act" and the Higher Education Reauthorization Act:

Flint Hills Technical College is committed to maintaining an environment in which students, faculty, staff, and guests can work together free from all forms of harassment, exploitation and intimidation. The College will act as needed to discourage, prevent, correct, and if necessary, discipline behavior that violates this standard of conduct.

Everyone has the right to attend college in a safe and secure environment. To ensure this fundamental right, the Flint Hills Technical College needs your help. Safety and security are everyone's responsibility.

Flint Hills Technical College works in conjunction with the Emporia, Garnett and La Harpe law enforcement agencies on an annual basis to gather calendar year statistical information regarding crime on campus, at branch campuses, in or on a non-campus building or property involving FHTC students or staff during FHTC related activities or events. Data is compiled during January of each year and the Campus Security Report is updated and distributed to all current students and employees by October 1 of each year and again each spring semester. The Campus Security Report is created on an annual basis and made available to all prospective students, current students, college staff and the community. The data for the report is kept in the Office of the Executive Vice President of Student Services and Academic Affairs, Lisa Kirmer.

The purpose of this report is to provide our faculty, staff, and students with campus safety information including crime statistics and procedures to follow to report a crime. The report is prepared by the Executive Vice President of Student Services and Academic Affairs and is electronically available at www.fhtc.edu. Requests for printed copies and any questions regarding this report should be directed to Lisa Kirmer at 620-341-1325 or e-mail lkirmer@fhtc.edu.

General Security Information

Flint Hills Technical College enrolls approximately 2,000 students and employs 120 faculty and staff members. There are four buildings on the main campus at 3301 West 18th Avenue, in Emporia—the Metcalf Education Center, the Hollenbeck Education Center, the Stover Education Center and the Jones Education Center. During 2025, FHTC also had four off-campus facilities including the South Campus located at 3701 West 6th Avenue, and the Adult Education Center at 620 Constitution in Emporia. FHTC also operates the Garnett Automotive Training Center located at 305 N Oak, Garnett, KS 66032 and the Regional Rural Technical Center located at 2665 Nebraska Road, La Harpe, KS 66751.

Access to campus facilities policy

Students, faculty, and employees have access to academic and administrative facilities on campus during regular hours of operation. The public can attend cultural and recreational events on campus with their access limited only to the facilities in which these events are held.

Reporting suspicious activity or criminal activity to a Campus Security Authority

To report any violations of this policy; to report suspicious persons or report criminal activity on campus contact a **Campus Security Authority and Executive Vice President of Student Services and Academic Affairs, Lisa Kirmer, at 620-341-1325** immediately, or one of the Campus Security Authorities listed below:

Criminal conduct or an emergency situation should be immediately reported by either the victim(s), witness(es), or faculty or staff who become aware of the situation.

NON-EMERGENCY

- Call 620.343.4600 then Press ”2” to speak with FHTC Student Services office staff
- If possible contact Exec. V.P. of Academic Affairs/Student Services, Lisa Kirmer at 620-341-1325
- Dean of Enrollment Management, Brenda Carmichael-620-341-1338
- President, Dr. Caron Daugherty-620-341-1306
- Vice President of Administrative Services, Nancy Thompson – 620-341-1304
- Newman Memorial Hospital 620-343-6800
- Emporia Police Department 620-342-1766
- Lyon County Sheriff’s Department 620-342-5545
- Garnett Police Department 785-448-1641
- La Harpe Police Department 316-493-2241

EMERGENCY

- Call 911- Provide as much detail/ information as possible to dispatcher
- If needed, activate nearest panic button
- If possible notify Students services office at 620.343.4600 then Press “2”
- If possible contact the Exec. V.P. of Academic Affairs/Student Services or Dean of Enrollment
- After initial notification/incident, complete “Incident Report Form” located under my.fhtc.edu Forms Tab

Campus Security

Although Flint Hills Technical College does not have a police or security officer at any of the locations, the administration of the College work closely, when necessary, with the local police departments in Emporia, Garnett and La Harpe for coordination of campus safety and security. The investigation of crimes committed on Emporia campuses falls under the jurisdiction of the Emporia Police Department in collaboration with the Lyon County Sheriff’s Department and the District Attorney’s Office. Any crimes committed at the Garnett location will be reported to Garnett High School and investigated by the Garnett Police Department. Any crimes committed at the La Harpe location will be reported to Iola High School and investigated by the La Harpe Police Department.

Registered Sex Offender Information

The federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide to appropriate county and state officials notice of each institution of higher education in that state at which the offender is a student. In accordance with Kansas State Statute 22-4904 ("Registration of Offender"), convicted sex offenders in Kansas must register with the county sheriff within 3 days of establishing permanent or temporary residence. The Kansas Bureau of Investigation makes information concerning the presence of registered sexual offenders available to local law enforcement officials and the public. It is then the responsibility of the county sheriff or the municipal police chief to make required notification to all community members of the presence of registered offenders in a manner deemed appropriate by the sheriff or police chief. It is the responsibility of the county sheriff to notify institutions if an offender or

predator is enrolled, employed or carrying on a vocation at the college. Any member of the FHTC community who wishes to obtain further information regarding sexual offenders on campus may refer to the KBI website searchable database. The KBI searchable database may be used to find all registered sex offenders in any city, county or ZIP code in the state. A list of registered sex offenders is also maintained in the Office of the Executive Vice President of Student Services and Academic Affairs on the main campus.

Campus facilities and grounds

The maintenance department maintains the Emporia campus buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. If you have concerns about the physical safety of campus buildings and grounds, call the President's Office, Monday through Friday, 7:30 a.m. to 4:00 p.m., at 620-341-1305. For emergencies that occur during non-business hours, call the Emporia Police Department at 620-342-1766.

Crime Prevention Education and Awareness

Members of the campus community are urged to secure their valuables and be aware of their surroundings at all times. To assist in this endeavor, the Student Success Center conducts student orientation each semester and discusses a variety of topics including personal safety awareness and security, and sexual assault awareness and prevention. All employees are required to participate in annual training related to the Campus SaVE Act and the prevention of sexual violence. Students are also encouraged to participate in online training related to prevention and awareness of sexual violence, drinking, drug use and avoiding unsafe situations. Informational sessions are also provided throughout the year to students and employees through seminars and additional online classes.

Emergency Messages Delivered

The Reeble Student Success Center is open Monday through Thursday from 7:30 a.m. – 5:00 p.m. and on Fridays from 7:30 a.m. – 4:00 p.m. In the event of an emergency, the department will deliver messages to students.

Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the FHTC Administration, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the College e-mail system to students, faculty, staff and will be sent via text message for all students and employees that opted in to receive text messaging alerts through the RAVE alert system. The Executive Vice President of Student Services and Academic Affairs, Lisa Kirmer, is responsible for timely warnings.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Information Technology staff may also post a notice on the campus-wide televisions, computers, and on the FHTC website at www.fhtc.edu. A copy of the notice may also be posted on the entrances to each building. The website is immediately accessible via computer by all employees and students. Anyone with information warranting a timely warning should report the circumstances to an administrator at FHTC including Lisa Kirmer, Executive Vice President of Student Services and Academic Affairs at 620-341-1325 or lkirmer@fhtc.edu, Nancy Thompson, Vice President of Administrative Services at 620-341-1304 or nthompson@fhtc.edu or Dr. Caron Daugherty, President at 620-341-1306 or cdaugherty@fhtc.edu .

Security Policies

Flint Hills Technical College policies are designed to insure the students, employees and all property are protected at all times from possible damage or injury, outside intrusion or disturbances occurring on campus grounds or in campus buildings.

Dismissal of Students and Staff during a Crisis

FHTC may dismiss students, and possibly employees during a crisis. The President of the College, or designee, has the authority to dismiss students at any time deemed as necessary. FHTC does not dismiss classes prior to the regular dismissal times in the event of severe weather except when specifically authorized by the President of the College or designee. FHTC has no authority to prevent adult students from leaving campus. However, all students will be asked to stay and report to designated safe areas in the event of a crisis. During a crisis, adult students are asked to inform their instructor or some other College official before leaving campus.

Evacuation Procedures

When there is an emergency, getting out of buildings can pose special challenges. Preparing in advance is essential to the safety of students, employees, and community members. To aid in this process, FHTC has posted Emergency Maps with evacuation routes in all classrooms and hallways.

- EVACUATION CAUSES can include, but are not limited to: Fire threat; Bomb threat; Interior chemical contamination; Armed intruder/active shooter; Natural Gas leak (DO NOT PULL FIRE ALARM); Riot threat; Building structural failure threat

Building Lockdown During a Crisis

A crisis situation may arise when it is prudent to lock FHTC buildings while still occupied. The purpose for this action would be to protect students and staff by preventing entrance into building and program areas by person or persons identified as dangerous. Lockdown procedures may be implemented in an event such as a civil disturbance, a hostage situation, or sniper fire. The President of the College, or designee, has the authority to initiate a lockdown at any time deemed necessary. Notification to initiate lockdown procedures will be given via courier, text message, computer notification or by telephone. FHTC has no authority to prevent adult students from leaving campus. However, all students will be asked to report to designated safe areas. Cooperation from all students is vital. If lockdown is required, students are asked to move quickly to the designated safe area and not leave that area until instructed to do so.

Lockdown Procedures

Lockdown procedures may be used to protect all campus occupants from an implied or verified threat to the campus community. It is important to remain calm and follow instructions provided through emergency communications systems.

- LOCKDOWN CAUSES can include, but are not limited to: Severe weather; Civil disturbance; Exterior hazardous material spill; Riot or hostage situation; Armed intruder and/or active shooter; Direct threats to campus buildings, students, or employees through any type of communication; potential threats identified within close proximity of campus buildings; Escaped criminal or active criminal chase/pursuit

  There are three levels of lockdown- Messaging will indicate level needed during emergency
  - **YELLOW: Secured Entrance Lockdown:** Only impacts the designated building(s) on campus identified in alert. All entry/exit points will be secured. May only enter/exit the building through designated doors. May be subjected to screening of ID, Bags, Clothing, and/or person.
  - **ORANGE: Lock-Out Lockdown:** Only impacts the designated building(s) on campus identified in alert. All entry/exit points are secured. No one may ENTER the building until

lockdown is lifted. Employees, students, and community patrons inside the building at time of lockdown, may only exit at designated doors.

- **RED: Full Scale Lockdown:** Only impacts the designated building(s) on campus identified in the alert. All entrances/exits are fully secured. NO employees, students, or community partners may enter the building. Employees, students, or community partners inside should not exit the building. Employees, students, or community partners may need to seek safe shelter inside for extended period of time. Internal classroom/office doors are recommended to be secured. Recommend moving away from interior/exterior windows. In some situations, may need to turn off lights and remain silent.

A shelter area is located in the Metcalf Education Center in the Division of Health and in the Hollenbeck Education Center in the West hallway. Employees and students can take shelter at the Downtown Campus in the basement of the building and employees and students at the Welding Building should go to the classroom in the building without windows. Employees at Garnett and La Harpe need to follow the directions of the associated district. The need to take shelter may be signaled by messages on the computer, televisions, text messages or email, the sounding of civil defense sirens and/or telephone.

Power/Utility Failure

In the event of an unexpected loss or interruption of utility services, FHTC may need to adjust schedules and services. In the event of an emergency failure of any of these systems, follow instructions to ensure the safety of all students, employees, and community members.

- POWER/ UTILITY failures could include, but are not limited to, the following examples: Electricity/ Power systems; Water/ Sewer systems; Gas systems; Internet, telephone, or cable services

Medical Emergency

Medical emergencies may occur at any time without warning within any area of FHTC campus locations. Emergency first aid kits and AEDs are noted on Emergency Maps located in classrooms and hallways of all FHTC locations.

- MEDICAL EMERGENCIES can include, but are not limited to: Injuries caused by equipment; Seizures; Asthma, Anaphylactic Shock, or other breathing issues; Fainting; Diabetic emergencies (confusion, drowsiness, agitation common symptoms); Heart attack or failure

Crime in Progress

If you are a victim or witness a crime taking place, report the incident right away. DO NOT get involved with trying to prevent the crime unless it is self-defense. Gather as much information as possible about the criminal/crime. Details such as: height, weight, sex, race, age, clothing colors/type, vehicles make/model, license plates, etc. are extremely helpful to first responders.

- CRIME can include, but is not limited to:
  Property Crime: Destruction of property; Vandalism; Theft of property; Arson
  Violent Crime: Physical assault, violence, and/or Domestic violence; Robbery; Drugs or Alcohol abuse creating unsafe learning environment; Weapons; Hate crimes; Stalking

Severe Weather

Whenever possible weather-related closings or impacts to the FHTC schedule will be communicated out as early as possible through RAVE, ALERTUS, Website, Facebook, Twitter, and designated local news stations. However, in the event of an unexpected severe weather situation, FHTC leadership will monitor local county Emergency Management Agencies and the National Weather Service for updates and recommendations.

- SEVERE WEATHER could include, but is not limited to: Tornadoes; Thunderstorms and Lightning; Excessive Straight-line Winds; Earthquakes

Hazardous Material Spill

Hazardous materials are utilized in a variety of areas across FHTC campuses. Additionally, the location of some FHTC campuses are near to major shipping routes like highways and railroads. It is important to follow all safety protocols when handling, transporting, or utilizing hazardous materials. In the event of a spill, proper procedures must be followed to prevent injury and illness.

- HAZARDOUS MATERIALS may include: Explosive compounds; Combustible substances; Poisons; Radioactive materials

Suspicious Person

FHTC depends on community members to notify campus leadership or local authorities when they notice suspicious people, activity, or out of place items. If you see something that does not seem right, it is important to say something to FHTC employee or leader.

- SUSPICIOUS BEHAVIORS may include: Going from door to door; office to office; Loitering in a hallway or common areas; Asking for unknown people or departments; Offerings items for sale/ asking for money; Entering private offices or restricted areas unescorted; Leaving a package that is unmarked, or out of place; Disruptive behavior/psychological crisis; An individual threatening harm to themselves or others; Verbal or written actions that impair effective workplace or classroom activities; Behavior that threatens, intimidates, or demeans; Any behavior that makes an individual feel in fear of their safety

Crisis Management Committee

A committee comprised of employees meet annually to discuss the College's Crisis Management Plan. The plan provides detailed information to regarding procedures in a variety of crises.

Crime Prevention Tips

Being safe on campus is a community responsibility. Employees, students and visitors are reminded and encouraged to be aware of their surroundings and report any suspicious activity to Emporia, Garnett or La Harpe Police Departments and the Executive Vice President of Student Services and Academic Affairs immediately.

To prevent theft and protect personal safety:

- Walk with a friend.
- Use the most well-lit and direct route at night.
- Park your vehicle in lighted areas.
- Always lock your car, bike, and other valuables.
- When returning to your vehicle, have your keys out and ready to open the door.
- Never prop open exterior doors to buildings.
- Always be fire safety conscious.
- TRUST YOUR INSTINCTS! If you feel uneasy about a situation, take action immediately.

Security Policies

Flint Hills Technical College policies are designed to ensure that students, staff and all property are protected at all times from possible damage or injury, outside intrusion or disturbances occurring on campus grounds or in campus buildings.

Weapons Policy

Flint Hills Technical College (FHTC) prohibits the possession and use of firearms, explosives, and other weapons on campus, with certain limited exceptions, as provided below. This fully complies with requirements outlined in The Personal and Family Protection Act, K.S.A. 75-7c01 et. Seq.

Weapons Procedure

Definitions: The term "weapons" includes:

- Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
- Any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including those that are concealed or openly carried;
- Any BB gun, pellet gun, air/CO2 gun, stun gun or blow gun;
- Any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
- Any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
- Any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
- Any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
- Any straight-blade knife of four inches or more such as a dagger, dirk, or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;
- Any martial arts weapon such as nun chucks or throwing stars;
- Any longbow, crossbow and arrows or other projectile that could cause serious harm to any person;
- Any other dangerous or deadly weapon or instrument of like character

The term "handgun" means:

- A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition
- Any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand

The term **"firearm"** includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive.

The term **"adequate security measures"** shall have the same meaning as the term is defined in K.S.A. 75-7c20, and **"building"** shall have the same meaning as the term **"state building"** is defined in K.S.A. 75-7c20.

The term **"campus"** means any building or grounds owned or leased by the College.

Open Carry of Firearms

Open carry of any firearms by any means is prohibited. Each entrance to each building and facility on Campus shall be conspicuously posted that openly carrying a firearm into that building or facility is prohibited. These postings shall be in accordance with Kansas law, more specifically, K.S.A. 75-7c24.

Possession of Weapons

Possession of any object deemed a weapon is strictly prohibited except as outlined by the Concealed Carry of Handguns. Any person found in possession of a weapon shall be required to place it in a container that can withstand the destructive force of the weapon or will be required to transport the weapon off campus. Any person found to violate this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and law enforcement may be notified to issue a trespass citation.

Concealed Carry of Handguns

In accordance with The Personal and Family Protection Act, K.S.A. 75-7c01 et seq., concealed carry of handguns shall be permitted on Campus. Any restrictions, limitations, or requirements affecting the carrying of concealed handguns on campus are set forth below.

Except in those instances where necessary for self-defense or transferring to safe storage, it shall be a violation of College policy to openly display any lawfully possessed concealed carry handgun in any campus building at all times. Display is defined as the intentional showing, presenting, exhibiting and or drawing of a handgun from a position of concealment on one's person with the exception of in defense of one's self or by law enforcement.

Restrictions to the Carrying of a Concealed Handgun

Pursuant to Kansas Law Kansas law states that the only type of firearm that an individual can carry while concealed is a handgun. The following restrictions apply to the concealed carrying of a firearm by Kansas law and the violation of any of the following restrictions is a crime under Kansas law AND is also a violation of this policy, whether or not a criminal charge is filed by the appropriate prosecuting authority:

1. An individual in possession of a concealed firearm must be at least 21 years of age [K.S.A. 21-6302(a)(4)];
2. A firearm cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual unable to safely operate the firearm [K.S.A. 21- 6332];
3. A firearm cannot be carried by an individual who is both addicted to and an unlawful user of a controlled substance [K.S.A. 21-6301(a)(10)];
4. A firearm cannot be carried by an individual who is or has been a mentally ill person subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
5. A firearm cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
6. A firearm cannot be carried by an individual who has been convicted of a felony crime [K.S.A. 21-6304];
7. An automatic firearm cannot be carried [K.S.A. 21-6301(a)(5)]; 6.30.05

Violations

Violation of this policy could result in the person being reported to the appropriate law enforcement officials. Sanctions shall be imposed on a case by case basis dependent upon the circumstances of the incident, prior violations of this policy, other prior violations of any policy, regulation or procedure of the FHTC or state law that shows 1) a pattern of disregard for policy and procedures and/or 2) a pattern of behavior that creates a concern for safety.

Searches of College Property

Lockers are the property of the College and the College reserves the right to open and conduct a locker search at any time upon reasonable belief that the locker contains illegal firearms, liquor, flammable material, dangerous weapons, narcotics, or other matter prohibited by law or College regulations from being on College property. Such search may be made without notice to the student to whom such locker has been assigned. Prohibited items recovered from a student's locker shall remain in the custody of the College administration unless such items are turned over to law enforcement officials.

If it has been determined that there is reasonable cause to believe that a student is in possession of an object which can jeopardize the health, welfare or safety of other students or College employees, that student shall be required to meet with administration. This determination may be based on any information received by administration or the staff. The student shall be advised of the reason for the meeting and requested to empty items such as, but not limited to, pockets, purses, shoulder bags and briefcases. A search of the person will not be conducted. Any evidence recovered shall be turned over to the appropriate law enforcement authorities.

Campus Crime Reporting

Policies and Procedures

If the police department needs to be contacted, students and employees should notify a College administrator or faculty member. Students can contact Lisa Kirmer, the Executive Vice President of Student Services and Academic Affairs, at 620-341-1325, the Dean of Enrollment Management, Brenda Carmichael, at 620-341-1338, the President's Office, Caron Daugherty, at 620-341-1305 or the Vice President of Administrative Services, Nancy Thompson at 620-341-1304. The administrator will place the call to the proper authorities. In emergency situations, the Emporia, Garnett and LaHarpe areas are served by the 911 telephone number for ambulance, fire and police. Report any suspicious acts, criminal actions or other emergencies immediately to a college administrator. Let them investigate. If requested, the name of the student or employee reporting the criminal offense will be kept confidential. Don't assume the College already has all of the information needed, or that you might be misinterpreting what you see. The College needs and appreciates your assistance in preventing crime.

Once a College administrator has been contacted regarding suspicious acts, criminal actions or other emergencies occurring on campus, a warning report will be issued to members of the campus community in a timely fashion if administration and the appropriate authorities believe that the suspicious acts, criminal actions or other emergencies could place the campus community in danger:

a) no later than the next scheduled day of classes if there is no immediate danger to the campus community or;
b) as soon as possible if there is imminent danger to the campus community.

FHTC, will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Crime Reporting Activities

The Crime Awareness and Campus Security Act of 1990, regulation 34 CFR 668.46(c)(1) states an institution must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority. Reports of crime in or on a non-

campus building or property or on public property include reported crimes involving Flint Hills Technical College students or staff that occur during a FHTC event or activity outside of the college premises. If crimes are reported in or on non-campus buildings or property or on public property, a geographic breakdown of the statistics reported will be provided in the annual Campus Security Report. The annual statistical information includes crimes reported on the FHTC main campus (1) 3301 West 18th Avenue which includes 3701 West 6th Avenue; and at the following Emporia extension locations: (2) 620 Constitution Street; (3) 215 West 6th Avenue.

Statistical Data of Crime on Campus

Procedures used for collecting, compiling and reporting crime statistics

Information about Clery crimes is compiled from statistics obtained from reports filed with the Executive Vice President of Student Services and Academic Affairs, Emporia Police Department or Lyon County Sherriff's office, the Garnett Police Department and the La Harpe Police Department.

Counting and classifying crimes

The Clery Act requires institutions to include four general categories of crime statistics:

Criminal Offenses—Criminal Homicide, including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias;

VAWA Offenses—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a *VAWA* Offense but is included in the Criminal Offenses category for *Clery Act* reporting purposes); and

Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

The Uniform Crime Reporting (UCR) crime definitions (presented alphabetically):

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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.

Drug abuse violations are defined as the violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

Hate crimes are criminal offenses that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Although there are many possible categories of bias, under the *Clery Act*, only the following eight categories are reported:

Race. A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation. A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Gender. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Ethnicity. A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology

that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National Origin. A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

Murder and Non-Negligent Manslaughter
Sexual Assault
Robbery
Aggravated Assault
Burglary
Motor Vehicle Theft
Arson
Larceny-Theft
Simple Assault
Intimidation
Destruction/Damage/Vandalism of Property

The first seven offenses are defined and discussed in the Criminal Offenses section earlier in this chapter. In addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included only if they are Hate Crimes.

1. Larceny-Theft is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
2. Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Liquor law violations are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places;

bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Manslaughter by Negligence is any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.

Motor vehicle theft is the theft or attempted theft of a motor vehicle.

Murder and non-negligent manslaughter is the willful (non-negligent) killing of one human being by another.

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sexual Assault (Sex Offenses) are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Weapons violations are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Once classified and counted, data are presented for review according to: 1) on-campus locations; 2) non-campus buildings or properties, and 3) public property immediately adjacent to and accessible from campus; 4) Arrests & Disciplinary referrals; and 5) Hate crimes. Campus locations can be found at https://www.fhtc.edu/about/campus-locations/ .

Hazing is defined as any intentional, knowing, or reckless act committed by an individual or group against another person, regardless of the latter's willingness to participate.

- Intentional Acts — Hazing includes actions that are deliberate and meant to harm or intimidate another person.
- Reckless Behavior — It encompasses reckless acts that disregard the safety or well-being of others.

- Group Dynamics — Hazing can occur individually or in concert with others, highlighting the collective responsibility involved.
- Willingness Irrelevant — The definition emphasizes that the willingness of the victim does not negate the act's classification as hazing

On-campus statistics include all incidents occurring in any building or property on the Flint Hills Technical College campus.

Non-campus statistics include properties owned or controlled by student organizations officially recognized by the institution and those owned or controlled by the College outside the campus boundaries that appear on the map.

Public property includes thoroughfares, streets, sidewalks, and parking facilities within campus or immediately adjacent to and accessible from the campus. *Private homes or businesses, areas surrounding non-campus properties, and property separated from campus by barriers or fences are not public property.* (Information regarding crime rates in the Emporia community may be obtained from the Emporia Police Department at 620-342- 1766.

Arrests & Disciplinary Referrals. A section of the crime statistics report also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs, and illegal weapons possession. The Clery Act defines a disciplinary referral as the referral of a person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Main Campus
3301 West 18th Avenue (including South Campus, 3701 West 6th), Emporia, KS 66801

Offense	On Campus			Non-Campus			Public Property			Total		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	1	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	1	1	0	0	0	0	0	0	0	1	1	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	1	0	0	0	0	0	0	0	0	1	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0

Hate Crimes: There were no reported Hate Crimes for the years 2023, 2024 or 2025.

Unfounded Crimes: A crime is considered unfounded for *Clery Act* purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. There were no unfounded crimes for the years 2023, 2024 or 2025.

Student Housing Facilities: FHTC does not have student housing facilities.

Adult Education Center
620 Constitution, Emporia, KS 66801

Offense	On Campus			Non-Campus			Public Property			Total		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	1	0	0	0	0	0	0	0	0	1
Hazing	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0

Hate Crimes: There were no reported Hate Crimes for the years 2023, 2024 or 2025.

Unfounded Crimes: A crime is considered unfounded for *Clery Act* purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. There were no unfounded crimes for the years 2023, 2024 or 2025.

Student Housing Facilities: FHTC does not have student housing facilities.

Garnett Automotive Training Center
305 N Oak, Garnett, KS 66032

Offense	On Campus			Non Campus			Public Property			Total		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0

Hate Crimes: There were no reported Hate Crimes for 2023, 2024 or 2025.

Unfounded Crimes: A crime is considered unfounded for *Clery Act* purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. There were no unfounded crimes for 2023, 2024 or 2025.

Student Housing Facilities: FHTC does not have student housing facilities.

Regional Rural Technical Center
2665 Nebraska Road, La Harpe, KS 66751

Offense	On Campus			Non-Campus			Public Property			Total		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0

Hate Crimes: There were no reported Hate Crimes for 2023, 2024 or 2025.

Unfounded Crimes: A crime is considered unfounded for *Clery Act* purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. There were no unfounded crimes for 2023, 2024 or 2025.

Student Housing Facilities: FHTC does not have student housing facilities.

EQUAL OPPORTUNITY, HARASSMENT AND NON-DISCRIMINATION

Flint Hills Technical College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Flint Hills Technical College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Flint Hills Technical College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

A primary concern of the Flint Hills Technical College (FHTC) is the health and well-being of each student and employee; therefore, FHTC is committed to creating a community that is free from acts of sexual violence. The Sexual Violence/Sexual Misconduct Policy complies with the Title IX of the Education Amendments Act of 1972 and the Campus Sexual Violence Elimination Act (section 304(a)(5) of the Violence Against Women Reauthorization Act of 2013, known as the "Campus SaVE Act." Sexual violence includes any unwanted, unwelcome, forceful or coercive sexual contact.

Harassment is any action prohibited under State and Federal Statutes VII, IX, and Section 504 of the Rehabilitation Act. It further includes all forms of sexual harassment, racial/cultural slurs, verbal abuse, and verbally offensive language which are forms of discrimination under Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e seq.

Applicable Scope

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

When the Respondent is a member of the Flint Hills Technical College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Flint Hills Technical College community. This community includes, but is not limited to, students,[1] student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, and invitees. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

Glossary

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

[1] For the purpose of this policy, the Flint Hills Technical College defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the Flint Hills Technical College.

- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the Flint Hills Technical College investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when Flint Hills Technical College is in normal operation.
- *Education program or activity* means locations, events, or circumstances where Flint Hills Technical College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the Flint Hills Technical College.
- *Final Determination:* A conclusion by the standard of proof that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding:* A conclusion by the standard of proof that the conduct did or did not occur as alleged.
- *Formal Grievance Process* means "Process A," a method of formal resolution designated by the Flint Hills Technical College to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.
- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing Decision-maker* refers to those who have decision-making and sanctioning authority within the Flint Hills Technical College's Formal Grievance process.
- *Investigator* means the person or persons charged by Flint Hills Technical College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of the Flint Hills Technical College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority* (OWA) means an employee of Flint Hills Technical College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Flint Hills Technical College.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process detailed below and defined above.
- *Process B* means the informal alternative resolution procedures detailed below.
- *Recipient* means a postsecondary education program that recipient of federal funding.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Flint Hills Technical College's educational program.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by the Flint Hills Technical College on a Respondent who is found to have violated this policy.

- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17.b., for greater detail.
- *Title IX Coordinator* is at least one official designated by Flint Hills Technical College to ensure compliance with Title IX and the Flint Hills Technical College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator and any member of the Grievance Process Pool.

Title IX Coordinator

The Executive Vice President of Student Services and Academic Affairs, Lisa Kirmer, serves as the Title IX Coordinator and ADA/504 Coordinator and oversees implementation of the Flint Hills Technical College Affirmative Action and Equal Opportunity plan (disability compliance) and the Flint Hills Technical College's policy on equal opportunity, harassment and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating Flint Hills Technical College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

Independence and Conflict-of-Interest

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

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Flint Hills Technical College President (Dr. Caron L. Daugherty at cdaugherty@fhtc.edu or 620-341-1306). Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Flint Hills Technical College President (Dr. Caron L. Daugherty at cdaugherty@fhtc.edu or 620-341-1306). Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

Administrative Contact Information

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

Lisa Kirmer
Title IX Coordinator and Investigator
Office of the Executive Vice President of Student Services and Academic Affairs
3301 West 18th Avenue
Emporia, KS 66801
620-341-1325
lkirmer@fhtc.edu

Brenda Carmichael
Title IX Investigator
Dean of Enrollment Management
3301 West 18th Avenue
Emporia, KS 66801

620-341-1328
bcarmichael@fhtc.edu

Nancy Thompson
Title IX Investigator
Director of Human Resources
3301 West 18th Avenue
Emporia, KS 66801
620-341-1304
nthompson@fhtc.edu

Amy Rhoads
Title IX Appeals Officer
HR Coordinator
3301 West 18th Avenue
Emporia, KS 66801
620-341-1304
nthompson@fhtc.edu

Flint Hills Technical College has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the Flint Hills Technical College.

Dr. Caron L. Daugherty
President
3301 West 18th Avenue
Emporia, KS 66801
620-341-1306
cdaugherty@fhtc.edu

Kim Dhority
Dean of Academic Affairs/Instructional Design Center Director
3301 West 18th Avenue
Emporia, KS 66801
620-341-1345
kdhority@fhtc.edu

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

Inquiries related to employees may be made internally to:

Nancy Thompson
Title IX Investigator
Director of Human Resources
3301 West 18th Avenue
Emporia, KS 66801

620-341-1304
nthompson@fhtc.edu
Inquiries related to students may be made internally to:

Lisa Kirmer
Title IX Coordinator and Investigator
Office of the Executive Vice President of Student Services and Academic Affairs
3301 West 18th Avenue
Emporia, KS 66801
620-341-1325
lkirmer@fhtc.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)
Kansas City Office
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
(816) 268-0550
Email: OCR.KansasCity@ed.gov

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

For complaints involving employees:

Equal Employment Opportunity
Kansas City Area Office
Gateway Tower II
400 State Ave., Suite 905
Kansas City, KS 66101
Phone: (800) 669-4000
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122

Notice/Complaints of Discrimination, Harassment, and/or Retaliation

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

1) File a complaint with, or give verbal notice to, the Title IX Coordinator, Lisa Kirmer, 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1325, lkirmer@fhtc.edu. Such a report may be made at any

time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
[2] Report online, using www.stopitsolutions.com or download the Stopit app and use code FHTC. Anonymous reports are accepted but can give rise to a need to investigate. Flint Hills Technical College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Flint Hills Technical College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Flint Hills Technical College to discuss and/or provide supportive measures.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the Flint Hills Technical College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Supportive Measures

Flint Hills Technical College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.
Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Flint Hills Technical College's education program or activity, including measures designed to protect the safety of all parties or Flint Hills Technical College's educational environment, and/or deter harassment, discrimination, and/or retaliation.
The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Flint Hills Technical College will inform the Complainant, in writing, that they may file a formal complaint with Flint Hills Technical College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The Flint Hills Technical College will maintain the privacy of the supportive measures, provided that privacy does not impair the Flint Hills Technical College's ability to provide the supportive measures. Flint Hills Technical College will act to ensure as minimal an academic impact on the parties as possible. The Flint Hills Technical College will implement measures in a way that does not unreasonably burden the other party.
These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning

- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

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

Emergency Removal

Flint Hills Technical College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with local law enforcement using its standard objective violence risk assessment procedures.

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

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within two days of the notice of action, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

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

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

Flint Hills Technical College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, or student organizational leadership.

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

Promptness

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

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

Privacy

Every effort is made by Flint Hills Technical College to preserve the privacy of reports. Flint Hills Technical College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Flint Hills Technical College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the Flint Hills Technical College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the Flint Hills Technical College's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The Flint Hills Technical College has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

Flint Hills Technical College reserves the right to designate which FHTC officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: the Director of Human Resources and the Threat Assessment Team including local law enforcement. Information will be shared as necessary with Investigators, Hearing Officer/Decision-maker, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

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

Jurisdiction of Flint Hills Technical College

This policy applies to the education program and activities of Flint Hills Technical College, to conduct that takes place on the campus or on property owned or controlled by Flint Hills Technical College, at Flint Hills Technical College-sponsored events. The Respondent must be a member of Flint Hills Technical College's community in order for its policies to apply.

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

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

a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c) Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

d) Any situation that is detrimental to the educational interests or mission of Flint Hills Technical College.

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

Further, even when the Respondent is not a member of the Flint Hills Technical College community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

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

All vendors serving the Flint Hills Technical College through third-party contracts are subject to the policies and procedures of their employers.

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

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an internship, clinical, or other environment external to the Flint Hills Technical College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Time Limits on Reporting

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

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

When notice/complaint is affected by significant time delay, Flint Hills Technical College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Online Harassment and Misconduct

The policies of Flint Hills Technical College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the Flint Hills Technical College's education program and activities or use Flint Hills Technical College networks, technology, or equipment.

While Flint Hills Technical College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Flint Hills Technical College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Flint Hills Technical College community.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the Flint Hills Technical College's control (e.g., not on Flint Hills Technical College networks, websites, or between Flint Hills Technical College email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.
Off-campus harassing speech by employees, whether online or in person, may be regulated by the Flint Hills Technical College only when such speech is made in an employee's official or work-related capacity.

Policy on Nondiscrimination

Flint Hills Technical College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

Flint Hills Technical College does not discriminate on the basis of sex including pregnant and parenting students, sexual orientation, gender identity, gender expression, genetic information, disability status, veteran or military status, race, color, age, religion, marital status, or national or ethnic origin or any other factors which cannot lawfully be considered in educational programs, admissions policies, employment policies, financial aid or other college-administered programs. For inquiries regarding Flint Hills Technical College's nondiscrimination policies or compliance with Title IX and/or Section 504 contact Lisa Kirmer, Title IX Coordinator and EVP of Student Services/Academic Affairs, 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1325, lkirmer@fhtc.edu or Nancy Thompson, Director of Human Resources and VP of Administrative Services, 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1304, nthompson@fhtc.edu.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Flint Hills Technical College community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the Flint Hills Technical College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the Flint Hills Technical College policy on nondiscrimination.

When brought to the attention of Flint Hills Technical College, any such discrimination will be promptly and fairly addressed and remedied by the Flint Hills Technical College according to the appropriate grievance process described below.

Bullying

Flint Hills Technical College prohibits bullying in any form either by any student or staff member towards a student, or by a student or staff member towards a staff member on or while using college property, in a college vehicle, or at a college-sponsored activity or event. Bullying is defined as repeated or severe; aggressive behavior; likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally; that is not speech or conduct otherwise protected by the 1st Amendment. Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g. not on Flint Hills Technical College networks, websites or between college email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption, or can be shown to have occurred through use of college property. Otherwise, such communications are considered speech protected by the 1st Amendment. Students who have bullied others in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion. If appropriate, students who violate the bullying prohibition shall be reported to local law enforcement.

Policy on Disability Discrimination and Accommodation

Flint Hills Technical College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the Flint Hills Technical College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Dean of Enrollment Management has been designated as Flint Hills Technical College's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability. Grievances related to disability status and/or accommodations will be addressed using the procedures below.

Pregnancy Policy

Flint Hills Technical College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX). Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

Flint Hills Technical College hereby establishes a policy and associated procedures ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy--related conditions, and new parents.

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began. This generally means that pregnant students should be treated by Flint Hills Technical College the same way as someone who has a temporary disability, and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services. To the extent possible, FHTC will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly.

As with disability accommodations, information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations. In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort -model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Student Accommodations

Flint Hills Technical College is committed to providing qualified students with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the Flint Hills Technical College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Dean of Enrollment Management, who coordinates services for students with disabilities.

The Dean of Enrollment Management reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

Employee Accommodations

Pursuant to the ADA, Flint Hills Technical College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the college.

An employee with a disability is responsible for submitting a request for an accommodation to the Director of Human Resources and providing necessary documentation. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

Policy on Discriminatory Harassment

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

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Flint Hills Technical College policy. When speech or conduct is protected by

academic freedom and/or the First Amendment, it will not be considered a violation of Flint Hills Technical College policy, though supportive measures will be offered to those impacted.

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

Flint Hills Technical College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Flint Hills Technical College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."
A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive ***and*** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Flint Hills Technical College may also impose sanctions on the Respondent through application of the appropriate grievance process below.

Flint Hills Technical College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under Flint Hills Technical College policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For assistance with Alternate Resolution and other informal resolution techniques and approaches, employees should contact the Director of Human Resources, and students should contact the Executive Vice President of Student Services and Academic Affairs.

Sexual Harassment
The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Kansas regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.
Flint Hills Technical College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.
Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

1) Quid Pro Quo:
   an employee of Flint Hills Technical College, conditions the provision of an aid, benefit, or service of Flint Hills Technical College, on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:
   unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to Flint Hills Technical College's education program or activity.

3) Sexual assault, defined as:
   Sex Offenses, Forcible:
   Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
   a) Forcible Rape:
      Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
   b) Forcible Sodomy:
      Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
   c) Sexual Assault with an Object:
      The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
   d) Forcible Fondling:
      The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

   Sex Offenses, Non-forcible:
   a) Incest: Non-forcible sexual intercourse,
      between persons who are related to each other, within the degrees wherein marriage is prohibited by Kansas law.
   b) Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16.

4) Dating Violence, defined as:
   Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:
   Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Kansas or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Kansas.

6) Stalking, defined as:
   Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.

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

Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Flint Hills Technical College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

Force, Coercion, Consent, and Incapacitation

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

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

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

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

Consent is:

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

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

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

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

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

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

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

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

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

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

Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, Flint Hills Technical College additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
    - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
    - Invasion of sexual privacy.

    - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
    - Prostituting another person
    - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
    - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
    - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
    - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
    - Knowingly soliciting a minor for sexual activity
    - Engaging in sex trafficking
    - Creation, possession, or dissemination or child pornography

- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Flint Hills Technical College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as:
    - Repeated and/or severe
    - Aggressive behavior
    - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
    - That is not speech or conduct otherwise protected by the First Amendment.

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

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

Retaliation

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

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Flint Hills Technical College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

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

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

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

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

Mandated Reporting

All Flint Hills Technical College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.
If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.
The following sections describe the reporting options at Flint Hills Technical College for a Complainant or third-party (including parents/guardians when appropriate):

Confidential Resources

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

- On-campus: Flint Hills Technical College Academic Advisor
- Off-campus (non-employees):
    - Licensed professional counselors and other medical providers
    - Local rape crisis counselors
    - Domestic violence resources
    - Local or state assistance agencies
    - Clergy/Chaplains

- Attorneys

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

The Academic Advisor/Counselor and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Flint Hills Technical College employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to the student or employee.

Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

[If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information].

Anonymous notice will be investigated by the Flint Hills Technical College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the Flint Hills Technical College's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled.

Mandated Reporters and Formal Notice/Complaints

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

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

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

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that

must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the college.

Supportive measures may be offered as the result of such disclosures without formal Flint Hills Technical College action.

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

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

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

When a Complainant Does Not Wish to Proceed

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

The Title IX Coordinator has ultimate discretion over whether the college proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.
The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Flint Hills Technical College to pursue formal action to protect the community.

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

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

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

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

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

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

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Flint Hills Technical College, and to have the incidents investigated and properly resolved through these procedures.

Federal Timely Warning Obligations

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

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

False Allegations and Evidence

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

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under the conduct policy.

Amnesty for Complainants and Witnesses

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

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

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

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

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

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

Federal Statistical Reporting Obligations
Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

a) All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
c) VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

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

Campus Security Authorities include: student affairs/student conduct staff, local police, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

INTERIM RESOLUTION PROCESS (Process A)
FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION (KNOWN AS PROCESS "A")

Overview
Flint Hills Technical College will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Process A."

The procedures below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, administrators, or faculty members. A set of technical dismissal requirements within the Title IX regulations may apply as described below, but when a technical dismissal under the Title IX allegations is required, any remaining allegations will proceed using these

same grievance procedures, clarifying which policies above are applicable. While the effect of the Title IX regulations can be confusing, these grievance procedures apply to all policies above.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the FHTC Catalog and the employee Policy and Procedure Manual.

Notice/Complaint

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

FHTC will initiate at least one of three responses:

1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
2) An informal resolution; and/or
3) A Formal Grievance Process including an investigation and a hearing.

The investigation and grievance process will determine whether or not the Policy has been violated. If so, Flint Hills Technical College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
    - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the

situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
    - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
        - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue, based on the nature of the complaint.

If it does not, the Title IX Coordinator determines that Title IX does not apply (and will "dismiss" that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. OR and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is just procedural, and does not limit the Flint Hills Technical College's authority to address a complaint with an appropriate process and remedies.

Violence Risk Assessment

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

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer college about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, or student conduct officers. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

Dismissal (Mandatory and Discretionary)

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

1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
2) The conduct did not occur in an educational program or activity controlled by Flint Hills Technical College), and/or the college does not have control of the Respondent; and/or
3) The conduct did not occur against a person in the United States; and/or
4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the Flint Hills Technical College.

Flint Hills Technical College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

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

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

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

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

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

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

Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available. This could include an attorney, advocate or support person. The law permits one Advisor for each party.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Officer/Decision Maker.

Who Can Serve as an Advisor

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

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Flint Hills Technical College, the Advisor will be trained by the college and be familiar with the college's resolution process.

If the parties choose an Advisor from outside the pool of those identified by Flint Hills Technical College, the Advisor may not have been trained by the college and may not be familiar with college policies and procedures.

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

Advisors in Hearings/Flint Hills Technical College-Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Flint Hills Technical College will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the college will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Hearing Officer/Decision-maker during the hearing.

Advisor's Role

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

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

Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Flint Hills Technical College's policies and procedures.

Advisor Violations of Flint Hills Technical College Policy

All Advisors are subject to the same Flint Hills Technical College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes

during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

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

Sharing Information with the Advisor

Flint Hills Technical College expects that the parties may wish to have the college share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Flint Hills Technical College also provides a consent form that authorizes Flint Hills Technical College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Flint Hills Technical College is able to share records with an Advisor.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Flint Hills Technical College. FHTC may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the college's privacy expectations.

Expectations of an Advisor

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

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

Expectations of the Parties with Respect to Advisors

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

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

As a public entity, Flint Hills Technical College fully respects and accords the Weingarten rights of employees. For parties who are entitled to union representation, the Flint Hills Technical College will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the

principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

Assistance in Securing an Advisor

If either party does not have someone who they want to serve as their Advisor, FHTC will provide one for them. Flint Hills Technical College maintains a list of retired judges and attorneys who may serve as an advisor for a party at no cost to the party. Please contact the Title IX Coordinator for more information.

Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Flint Hills Technical College policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Flint Hills Technical College encourages parties to discuss this with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

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

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

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

Alternate Resolution

Alternate Resolution is an informal process by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.

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

- The parties' amenability to Alternate Resolution;

- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution Title IX Coordinator/Facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

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

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

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

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

Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the college. Negotiated Resolutions are not appealable.

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. [They are also listed in the Annual Title IX Report published by the Title IX Office].

The list of Pool members and a description of the Pool can be found at www.Flint Hills Technical College.edu/Pool.

Pool Member Roles

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

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- [To serve in a facilitation role in informal resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices]
- [To perform or assist with initial assessment]
- To investigate complaints
- To serve as a hearing Title IX Coordinator/Facilitator (process administrator, no decision-making role)
- To serve as a Hearing Officer/Decision-Maker regarding the complaint
- To serve as an Appeal Decision-maker

Pool Member Appointment

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

Pool Member Training

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

- The scope of the Flint Hills Technical College's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the Flint Hills Technical College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes

- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are FHTC employees), and Title IX Coordinator/Facilitators. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted on the FHTC website under Title IX.

Pool Membership

The Pool may include:

- One Title IX Coordinator
- One Human Resources Director
- Three investigators from faculty and staff
- One Hearing Officer/Decision Maker
- Three Advisors from a pool of retired attorneys
- One Appeals Officer from administrative staff

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

Formal Grievance Process: Notice of Investigation and Allegations

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

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Flint Hills Technical College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Flint Hills Technical College's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for

ways to identify an Advisor,

- A statement informing the parties that the FHTC Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the Flint Hills Technical College's VAWA information,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

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

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official FHTC records, or emailed to the parties' FHTC issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Resolution Timeline

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

Appointment of Investigators

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

Ensuring Impartiality

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

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

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

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

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

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

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

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

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

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

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

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

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary

- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Flint Hills Technical College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of FHTC are expected to cooperate with and participate in the investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (summer break) may require individuals to be interviewed remotely. Zoom, Google Hangouts, Adobe Connect or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Flint Hills Technical College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

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

Recording of Interviews

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

Evidentiary Considerations in the Investigation

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

Referral for Hearing

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

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

Hearing Decision-maker Composition

Flint Hills Technical College has designated a single Hearing Officer/Decision Maker.
The Hearing Officer/Decision Maker will not have had any previous involvement with the investigation.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as a Hearing Officer/Decision Maker. Those who are serving as Advisors for any party may not serve as a Hearing Officer/Decision Maker in that matter.

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

Evidentiary Considerations in the Hearing

Any evidence that the Hearing Office/Decision Maker determines is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation,

unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Hearing Officer/Decision Maker at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Hearing Officer/Decision Maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Notice of Hearing

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

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer/Decision Maker and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Hearing Officer/Decision Maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer/Decision Maker. For compelling reasons, the Title IX Coordinator/Facilitator may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the Flint Hills Technical College will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Hearing Officer/Decision Maker about the matter, unless they have been provided already.
- An invitation to each party to submit to the Title IX Coordinator/Facilitator an impact statement

pre-hearing that the Hearing Officer/Decision Maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

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

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Alternative Hearing Participation Options

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

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

Pre-Hearing Preparation

The Title IX Coordinator/Facilitator, after any necessary consultation with the parties and Investigator(s), will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

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

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

The Title IX Coordinator will give the Hearing Officer/Decision Maker a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Hearing Officer/Decision Maker who cannot make an objective determination must recuse themselves from the

proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Hearing Officer/Decision Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

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

Pre-Hearing Meetings

The Title IX Coordinator/Facilitator may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Title IX Coordinator/Facilitator can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Title IX Coordinator/Facilitator must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

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

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

The pre-hearing meeting(s) will be recorded.

Hearing Procedures

At the hearing, the Hearing Officer/Decision Maker has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination. Participants at the hearing will include the Title IX Coordinator/Facilitator, the Hearing Officer/Decision Maker, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Title IX Coordinator/Facilitator will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.
The Title IX Coordinator/Facilitator will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Officer/Decision Maker and the parties and will then be excused.

Joint Hearings

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

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

The Order of the Hearing – Introductions and Explanation of Procedure

The Title IX Coordinator/Facilitator explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Hearing Officer/Decision Maker on the basis of bias or conflict of interest. The Title IX Coordinator/Facilitator will rule on any such challenge unless the Title IX Coordinator/Facilitator is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.
The Title IX Coordinator/Facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Officer/Decision Maker and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Hearing Officer/Decision Maker should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Title IX Coordinator/Facilitator will direct that it be disregarded.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Title IX Coordinator/Facilitator. The parties/witnesses will submit to questioning by the Hearing Officer/Decision Maker and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Title IX Coordinator/Facilitator. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Title IX Coordinator/Facilitator upon request or agreed to by the parties and the Title IX Coordinator/Facilitator), the proceeding will pause to allow the Title IX Coordinator/Facilitator to consider it, and the Title IX Coordinator/Facilitator will determine whether the question will be permitted, disallowed, or rephrased.

The Title IX Coordinator/Facilitator may explore arguments regarding relevance with the Advisors, if the Title IX Coordinator/Facilitator so chooses. The Title IX Coordinator/Facilitator will then state their decision on the question for the record and advise the party/witness to whom the question was directed,

accordingly. The Title IX Coordinator/Facilitator will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

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

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

Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Hearing Officer/Decision Maker may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Hearing Officer/Decision Maker must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Hearing Officer/Decision Maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
If charges of policy violations other than sexual harassment are considered at the same hearing, the Hearing Officer/Decision Maker may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the Flint Hills Technical College's established rules of decorum for the hearing, the Flint Hills Technical College may require the party to use a different Advisor. If a Flint Hills Technical College-provided A refuses to comply with the rules of decorum, the Flint Hills Technical College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Recording Hearings

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

The Hearing Officer/Decision Maker, the parties, their Advisors, and appropriate administrators of Flint Hills Technical College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Hearing Officer/Decision Maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question.

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

The Title IX Coordinator/Facilitator will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Hearing Officer/Decision Maker may – at their discretion – consider the statements, but they are not binding.
The Hearing Officer/Decision Maker will review the statements and any pertinent conduct history provided by the Executive Vice President of Student Services and Academic Affairs and will recommend the appropriate sanction(s).

The Title IX Coordinator/Facilitator will then prepare a written deliberation statement detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions or recommendations.
This report typically should not exceed three (3) to five (5) pages in length and must be completed within two (2) business days of the end of deliberations.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator/Facilitator will prepare a Notice of Outcome and will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 3 business days of receiving the Hearing Officer/Decision Maker's deliberation statement.

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

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

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

Statement of the Rights of the Parties (see Appendix)

Sanctions

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

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

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

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

Student Sanctions

- *Conduct Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Flint Hills Technical College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Conduct Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Administrative Withdrawal:* A student is withdrawn from all classes/program of study due to failure to meet minimum academic standards.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Flint Hills Technical College.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Flint Hills Technical College-sponsored events.
- *Other Actions:* In addition to or in place of the above sanctions, the Flint Hills Technical College may assign any other sanctions as deemed appropriate.

Employee Sanctions

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

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*

- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the FHTC may assign any other sanctions as deemed appropriate.

Withdrawal or Resignation While Charges Pending

Students: If a student has an allegation pending for violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination, Flint Hills Technical College may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.
Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from FHTC, the resolution process ends, as the college no longer has disciplinary jurisdiction over the withdrawn student.

However, Flint Hills Technical College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to FHTC. Such exclusion applies to all campuses of Flint Hills Technical College. A hold will be placed on their ability to be readmitted. They may also be barred from Flint Hills Technical College property and/or events.

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

During the resolution process, FHTC may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Flint Hills Technical College no longer has disciplinary jurisdiction over the resigned employee.

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

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

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

Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 days of the delivery of the Notice of Outcome.
An Appeals Officer will be appointed by the Title IX Coordinator. The Appeals Officer will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.
The Request for Appeal will be forwarded to the Appeals Officer for consideration to determine if the request meets the grounds for appeal (a Review for Standing).
This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a.) Grounds for Appeal

Appeals are limited to the following grounds:

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

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

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

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Officer/Decision Maker will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Title IX Coordinator/Facilitator to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeals Officer and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Hearing Officer/Decision Maker, as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeals Officer will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Appeals Officer will render a decision in no more than 7 business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Flint Hills Technical College is permitted to share according to state or federal law, and the

rationale supporting the essential findings to the extent Flint Hills Technical College is permitted to share under state or federal law.

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

b. Sanctions Status During the Appeal

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

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.
Flint Hills Technical College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations

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

Long-Term Remedies/Other Actions

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

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

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

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.
When no policy violation is found, the Title IX Coordinator will address any remedies owed by Flint Hills Technical College to the Respondent to ensure no effective denial of educational access.
The Flint Hills Technical College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Flint Hills Technical College's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Hearing Officer/Decision Maker (including the Appeals Officer).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Flint Hills Technical College and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

Flint Hills Technical College will maintain for a period of [at least] seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Flint Hills Technical College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Flint Hills Technical College will make these training materials publicly available on Flint Hills Technical College's website.
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
    a. The basis for all conclusions that the response was not deliberately indifferent;
    b. Any measures designed to restore or preserve equal access to Flint Hills Technical College's education program or activity; and
    c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Flint Hills Technical College will also maintain any and all records in accordance with state and federal laws.

Accommodations in the Resolution Process

Flint Hills Technical College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process. Anyone needing such accommodations or support should contact the Dean of Enrollment Management (students) or the Human Resources Director (employees), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. Flint Hills Technical College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

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

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

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.
This Policy and procedures are effective August 14, 2020.

INTERIM RESOLUTION PROCESS (Process B)

FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION (KNOWN AS PROCESS "B")

Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
Flint Hills Technical College will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties. [with the exception of at-will employees. Unionized or other categorized employees will be subject to the terms of their respective collective bargaining agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations].

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

Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of the Flint Hills Technical College's nondiscrimination Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
    - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
    - If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
        - Incident, and/or
        - A potential pattern of misconduct, and/or
        - A culture/climate issue.
- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Violence Risk Assessment Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
    - Interim suspension of a Respondent who is a threat to health/safety;
    - Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
    - Whether to put the investigation on the footing of incident and/or pattern and/or climate;
    - To help identify potentially predatory conduct;
    - To help assess/identify grooming behaviors;
    - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
    - Whether to permit a voluntary withdrawal by the Respondent;
    - Whether to impose transcript notation or communicate with a transfer Flint Hills Technical College about a Respondent;
    - Assessment of appropriate sanctions/remedies;
    - Whether a Clery Act Timely Warning/Trespass order is needed.

Based on the initial assessment, Flint Hills Technical College will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator and the opportunity to appeal to an Appeals Officer.

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

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

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

Resolution Process Pool

The resolution processes rely on a pool of officials ("Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students and their parents/guardians, employees, prospective students, and prospective employees.

The list of members and a description of the Pool can be found at www.fhtc.edu.
Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

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

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

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

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

- The scope of the Flint Hills Technical College's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity

- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Flint Hills Technical College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for the Appeals Officer, intake personnel, and Advisors. All Pool members are required to attend this annual training.

The Resolution Process Pool includes:

- One Title IX Coordinator
- One Human Resources Director
- Three investigators from faculty and staff
- One Hearing Officer/Decision Maker
- Three Advisors from a pool of retired attorneys
- One Appeals Officer from administrative staff

Pool members are usually appointed to three-year terms

Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. Flint Hills Technical College is obligated to ensure that any process is not abused for retaliatory purposes.

Flint Hills Technical College permits the filing of counterclaims, but uses the initial assessment, described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

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

Advisors

Expectations of an Advisor

Flint Hills Technical College generally expects an Advisor to adjust their schedule to allow them to attend Flint Hills Technical College meetings when planned, but Flint Hills Technical College may change

scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

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

Parties whose Advisors are disruptive or who do not abide by Flint Hills Technical College policies and procedures may face the loss of that Advisor and/or possible Policy violations.
Advisors are expected to consult with their advisees without disrupting Flint Hills Technical College meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

Expectations of the Parties with Respect to Advisors

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

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

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

Upon written request of a party, the Flint Hills Technical College will copy the Advisor on all communications between the Flint Hills Technical College and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

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

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one to as well.

Resolution Options

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

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

Informal Resolution

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

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

Alternate Resolution

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

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

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

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

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

Respondent Accepts Responsibility for Alleged Violations

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

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

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

If the Respondent accepts responsibility for <u>some</u> of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly

implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and Flint Hills Technical College.

Administrative Resolution

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

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given [at least 48 hours] in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

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

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

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

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

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

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

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

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

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

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

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

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

Investigation

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

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary

- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within 5 days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Provide the final report to the Title IX Coordinator with one of two options:
    - Include in the report a recommendation to the Title IX Coordinator on a determination, based on a preponderance of evidence, whether a policy violation is more likely than not to have occurred; OR
    - Gather, assess, and synthesize evidence without making a finding, conclusion, determination or recommendation.
- Provide the final report to the Title IX Coordinator. Recommend to the Title IX Coordinator a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).

Determination

Within two to three days of receiving the Investigator's recommendation, the Title IX Coordinator reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

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

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

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties

Additional Details of the Investigation Process

Witness responsibilities

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

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

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

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

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

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

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

Character witnesses
Neither the Title IX Coordinator nor the Investigator(s) meet with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters.

Notification of outcome
If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator [in consultation with other administrators as appropriate] determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within two to three business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Flint Hills Technical College records;

or emailed to the parties' Flint Hills Technical College-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

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

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section 11 below.

Sanctions

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

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

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

Student Sanctions

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

- *Conduct Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Flint Hills Technical College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Conduct Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Administrative Withdrawal:* A student is withdrawn from all classes/program of study due to failure to meet minimum academic standards.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed

on probation through the remainder of their tenure as a student at Flint Hills Technical College.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Flint Hills Technical College-sponsored events.
- *Other Actions:* In addition to or in place of the above sanctions, the Flint Hills Technical College may assign any other sanctions as deemed appropriate.

Employee Sanctions

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

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

Withdrawal or Resignation While Charges are Pending

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

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

Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the written finding of the Title IX Coordinator. Any party may appeal the findings only under the grounds described below.

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

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

- The sanctions imposed fall outside the range of sanctions Flint Hills Technical College has designated for this offense and the cumulative record of the Respondent.

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

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within 5 business days. These responses or appeal requests will be shared with each party. The Appeals Officer will review the appeal request(s) within 5 business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeals Officer will dismiss the appeal.

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

- Decisions by the Appeals Officer are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeals Officer to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeals Officer.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
    - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within 5 business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand. When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- In rare cases when a procedural [or substantive] error cannot be cured by the original Investigator(s) and/or Title IX Coordinator (as in cases of bias), the Appeals Officer may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to Flint Hills Technical College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Actions

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

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

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

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

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

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

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

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

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

Recordkeeping

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

Statement of the Rights of the Parties (see Appendix)

Disabilities Accommodation in the Resolution Process

Flint Hills Technical College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at Flint Hills Technical College. Anyone needing such accommodations or support should contact the

Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Revision

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

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

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

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

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

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

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

This policy and procedure was implemented in August 14, 2020.

APPENDIX: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Flint Hills Technical College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Flint Hills Technical College officials.
- The right to have Flint Hills Technical College policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Flint Hills Technical College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by Flint Hills Technical College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Flint Hills Technical College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Flint Hills Technical College law enforcement and/or other Flint Hills Technical College officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a Flint Hills Technical College-implemented no contact order or no-trespass order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
    - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
    - Transportation accommodations
    - Exam, paper, and/or assignment rescheduling or adjustment
    - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
    - Transferring class sections if available

  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options.

- The right to have the Flint Hills Technical College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the Flint Hills Technical College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Hearing Officer/Decision Maker to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Hearing Officer/Decision Maker with a list of questions that, if deemed relevant by the Investigator(s)/Title IX Coordinator/Facilitator, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Hearing Officer/Decision Maker who have received relevant annual training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Flint Hills Technical College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Hearing Officer/Decision Maker following a determination of responsibility for any allegation, but prior to sanctioning.

- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the Flint Hills Technical College is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the Flint Hills Technical College.
- The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX: DRUG-FREE COLLEGE POLICY

The unlawful possession, use or distribution of illicit or simulated drugs and alcohol by students on College premises or as a part of any College activity is prohibited. This policy is required by the 1989 amendments to the Drug Free Schools and Communities Act, P.L. 102-226, 103 St. 1928. (Cf. LDD). As a condition of continued enrollment in the College, students shall abide by the terms of the following policies:

ALCOHOL AND DRUGS

A student shall not knowingly possess, sell, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, simulated drug, or any controlled substance or alcoholic beverage of any kind:

1. On the College campus during, before and after school hours.
2. On the College campus at any other time when the College is being used by any College personnel or College group.
3. When representing FHTC off the College campus at a College activity, function or event.

The exception to this policy is limited to students under the supervision of an instructor or supervisor in order to fulfill curriculum learning requirements or approving learning outcomes.

Any violation of this policy, which also violates federal, state or local law, will result in the student being reported to the appropriate law enforcement officials. Violation of this policy may result in the student being suspended or expelled.

ENFORCEMENT OF DRUG-FREE COLLEGE POLICY

A student or employee who violates this policy shall be subject to disciplinary action, including, but not limited to, suspension or expulsion. Students who are suspended or expelled under the terms of this policy will be afforded the due process rights contained in the FHTC Student Handbook and Catalog and Kansas statutes, K.S.A. 72-8901. Nothing in this policy is intended to diminish the ability of the College to take other disciplinary action against the student in accordance with other policies governing student discipline. In the event a student agrees to enter into and complete a drug education or rehabilitation program, the cost of such program shall be the responsibility of the student, or in the case of a student under the age of 18, his or her parents shall contact the directors of programs to determine the cost and length of the program.

A copy of this policy and a list of available drug and alcohol counseling programs will be provided to all students and employees.

FLINT HILLS TECHNICAL COLLEGE DRUG TESTING PROCEDURE

Flint Hills Technical College promotes an atmosphere conducive to a healthy, safe and secure learning environment, and is a zero tolerance, drug free institution. In order to ensure the safety of everyone involved, including but not limited to those engaging in activities such as operating equipment or treating patients, Flint Hills Technical College enforces a drug testing procedure.

If an instructor suspects that a student is under the influence of drugs or alcohol anytime during the school year, the student will not be allowed to participate in classes, operate equipment or treat patients until they prove they are drug free by voluntarily being drug tested. The cost of the drug test will be incurred by the College.

If the student agrees to a voluntary drug test and drug and alcohol usage is not verified, the student will be allowed return to classes. If drug or alcohol usage is verified through the drug test, the student will be

reported to the appropriate law enforcement officials, and be subject to further disciplinary action including but not limited to suspension or expulsion in accordance with the FHTC Drug-Free College Policy.

If the student does not agree to a voluntary drug test, the student will be asked to leave class for the day and will be counted as absent until they prove they are drug free by voluntarily being drug tested, and may be suspended or expelled in accordance with the FHTC Drug-Free College Policy.

In the case of a secondary student, the high school counselor and/or principal will also be contacted regarding the incident.

TOBACCO USE FREE AND SMOKE FREE CAMPUS POLICY

Flint Hills Technical College (FHTC) is a tobacco use free campus. The intention of this policy is to support the goal of creating a safe, healthy, respectful learning and working environment for students, faculty, staff, guests and visitors.

FHTC prohibits the use of any form of tobacco on campus. This includes, but is not limited to, all college buildings, facilities, grounds, parking lots, and any other property leased to or managed by the college. Tobacco use in college vehicles is prohibited, regardless of location.

Furthermore, the sale and distribution of tobacco related items in all college facilities, or all college owned or leased grounds is prohibited.

This policy applies to anyone on the FHTC campus including students, faculty, staff, guests, visitors, consultants, vendors, patients, volunteers, and contractor employees.

For the purpose of this policy, tobacco is defined as any product derived from, smoked, or containing products of tobacco. This includes, but is not limited to cigarettes (cloves, bidis, kreteks), chewing tobacco (spit, spitless, smokeless, chew, snuff, and snus), cigars and cigarillos, hookah and hookah-smoked products, pipes, blunts, smokeless tobacco, and similar products. Vapes, vaping and e-cigarettes are prohibited. This policy also prohibits the use of any product simulating the previously mentioned products.

FHTC is a smoke-free campus. Smoking is defined as lighting, burning, or use of tobacco in addition to any other material mentioned previously in this policy. Anyone violating this policy may be issued a citation from Flint Hills Technical College. Visitors who do not comply with the policy will be asked to leave the College property. If the visitor refuses to leave or cease using tobacco products, they will be summarily denied access to all College educational facilities and events.

Enforcement of Drug-Free College Policy

A student or employee who violates this policy shall be subject to disciplinary action, including, but not limited to, suspension or expulsion for students. Visitors who do not comply with the policy will be asked to leave the College property. If the visitor refuses to leave or cease using tobacco products inside a College building, he/ she will be summarily denied access to all College educational facilities and events. Students who are suspended or expelled under the terms of this policy will be afforded the due process rights contained in the FHTC Student Handbook, catalog and Kansas statutes, K.S.A. 72-8901. Nothing in this policy is intended to diminish the ability of the college to take other disciplinary action against the student in accordance with other policies governing student discipline. In the event a student agrees to enter into and complete a drug education or rehabilitation program, the cost of such program shall be the responsibility of the student or, in the case of a student under the age of 18, his or her parents. The student or, in the case of a student under the age of 18, his or her parents shall contact the directors of the

programs to determine the cost and length of the program. A copy of this policy and a list of available drug and alcohol counseling programs shall be provided to all students and employees.

Risks of Drug or Alcohol Abuse

Many students are not fully aware of the educational, employment, social, health, and legal risks of alcohol and drug abuse. Prevention begins with becoming aware of these risks.

Educational Risks

Substance abuse of any kind is not only harmful to the individual, but to others who are subjected to the abuser's behavior on a daily basis. Some of the problems at college caused by alcohol and drug abuse include:

- Decline in college attendance, quality of work and grades;
- Increased likelihood of dropping out;
- Impaired reflexes, increased irritability, nervousness.

Employment Risks

Businesses are increasingly alarmed about alcohol and drug abuse. One cannot subject his or her body to abusive substances and expect it to continue to operate effectively, Thus, alcohol and drug abuse is not only a risk to an individual's employment, but also a high risk to the employer in terms of expense, safety and productivity. Below are some employment problems faced by both businesses and abusers of controlled substances:

- Impaired judgment and thinking, more accidents;
- Late and absent more often, uses more sick benefits;
- Lost productivity;
- Lost promotions, more demotions and dismissals;
- Unemployable.

Social Risks

Abusers do not just do harm to themselves but are also a very real threat to society as a whole because their behavior results in an inability to function normally with other people. Cost to the individual and others:

- Friendships lost because of antisocial behavior;
- Hobbies, interests, and community activities neglected;
- Family relationships are harmed, often leading to broken families.

Health Risks

Substance abuse does significant damage to one's body and mind. Some of the serious physical and psychological problems linked with drugs include:

- Damages brain structures, liver and digestive systems;
- Causes impotence, infertility, and Fetal Alcohol Syndrome;
- Causes paranoia, anxiety, seizures, severe depression;
- Can cause convulsions, respiratory and cardiac arrest, death;
- Increases risk of heart failure, stroke, oral cancer;
- Impairs memory, perceptions, concentration.

Legal Risks

Drug and alcohol violations by students and employees may lead to federal, state and local sanctions. These sanctions include various misdemeanor or felony charges which may lead to imprisonment and fines.

APPENDIX: List of Campus Resources

Student Success Center:
620-343-4600 (Main Campus)
620-343-4744 (South Campus - Welding)
800-711-6947 (Toll-free)

FHTC Academic Support:
Eva De Hoyos
Academic Advisor
Flint Hills Technical College
3301 West 18th Avenue
Emporia, KS 66801
620-341-1376
edehoyos@fhtc.edu

Hana Risley
Academic Advisor
Flint Hills Technical College
3301 West 18th Avenue
Emporia, KS 66801
620-341-1396
South Campus (Welding)
3701 W 6th Avenue
Emporia, KS 66801
620-343-4744
hrisley@fhtc.edu

Brenda Carmichael
Dean of Enrollment Management
Flint Hills Technical College
3301 West 18th Avenue
Emporia, KS 66801
620-341-1338
bcarmichael@fhtc.edu

FHTC Disability Support Services:
Brenda Carmichael
Dean of Enrollment Management
Flint Hills Technical College
3301 West 18th Avenue
Emporia, KS 66801
620-341-1338
bcarmichael@fhtc.edu

Crisis Pregnancy Centers:
Shiloh Home of Hope for Women
615 Congress Street
Emporia, KS
620-342-2244
www.shilohhomeofhope.org
fls.shiloh@hotmail.com

Pregnancy and Family Center
1 South Jefferson Ave
Iola, KS
620-365-3308

Family Care Center
536 W 4th Avenue, Ste 303
Garnett, KS
785-448-2674

Rape Crisis Intervention:
SOS, Inc. – Battered Women's Shelter
1420 C of E Drive, Suite 6
Emporia, KS
800-825-1295 or 620-343-8799
www.soskansas.com

Hope Unlimited
406 N Buckeye
Iola, KS
620-365-7566

Newman Regional Health
1201 West 12th
Emporia, KS
620-343-6800

Homeless Services:
Emporia Rescue Mission
1119 Merchant Street
Emporia, KS
620-342-3351

Counseling/Mental Health Services:
Beacon for Hope Suicide Prevention
529 Commercial Street, Suite 7
Emporia, KS

620-258-8627
www.hopelinks.org
Email: info@hopelinks.org
Crisis Text Line: Home to 741-741
Suicide and Crisis Lifeline – call 988

CareArc
420 West 15th Street
Emporia, KS
620-342-4864

Catholic Charities of NE Kansas
616 Merchant Street
Emporia, KS
620-343-2296

Corner House
418 Market
Emporia, KS
620-342-3015

Crosswinds Counseling &Wellness
1519 Merchant Street
Emporia, KS 66801
620-343-2211
1-800-279-3645

Southeast Kansas Mental Health
519 S. Elm Street
Garnett, KS
785-448-6806

Southeast Kansas Mental Health
304 North Jefferson Avenue
Iola, KS 66749
620-365-5717

Women's Services-Domestic Violence and Sexual Assault
Shiloh Home of Hope for Women
615 Congress Street
Emporia, KS
888-797-3002 or 620-342-2244
www.shilohhomeofhope.org
fls.shiloh@hotmail.com

Department of Children and Family Services
1701 Wheeler
Emporia, KS 66801
620-342-2505

SOS, Inc. – Battered Women's Shelter
1420 C of E Drive, Suite 6
Emporia, KS
800-825-1295 or 620-343-8799
www.soskansas.com

Hope Unlimited
406 N Buckeye
Iola, KS
620-365-7566

Drug and Alcohol Counseling Services:
Alcoholics Anonymous
(Confidential help for alcohol problems)
325 Commercial Street
Emporia, KS
620-343-3455

Adolescent Adult Family Recovery
602 S. State
Iola, KS
620-365-7682

Legal Services:
Kansas Legal Services
527 Commercial, Suite 201
Emporia, KS 66801
620-343-7520

Flint Hills Technical College does not discriminate on the basis of sex including pregnant and parenting students, sexual orientation, gender identity, gender expression, genetic information, disability status, veteran or military status, race, color, age, religion, marital status, or national or ethnic origin or any other factors which cannot lawfully be considered in educational programs, admissions policies, employment policies, financial aid or other college-administered programs. For inquiries regarding Flint Hills Technical College's nondiscrimination policies or compliance with Title IX and/or Section 504 contact Lisa Kirmer, Title IX Coordinator and EVP of Student Services/Academic Affairs, 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1325, lkirmer@fhtc.edu or Nancy Thompson, Director of Human Resources and VP of Administrative Services, 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1304, nthompson@fhtc.edu.