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Equal Opportunity**Civil Rights, Title IX, Section 504**

This Regulation outlines the responsibilities of Title IX and Section 504 Coordinators and provides mechanisms for the resolution of grievances/complaints by employees, patrons and/or students relating to discrimination based on gender under Title IX or disability under Section 504.

COORDINATORS' RESPONSIBILITIES (Section 504 and Title IX Coordinator)

1. Develop a Section 504 grievance procedure which provides for due process for use by students and staff; develop a Title IX grievance procedure for use by students and staff, provide information about the availability and use of the grievance procedure and maintain a record of all grievance problems and solutions;
2. Develop a position description for the Section 504 and Title IX Coordinator; inform College personnel of the Coordinator's responsibilities and assure periodic meetings to update staff on Section 504 and Title IX activities;
3. Provide ongoing review of College bulletins, catalogs, Board policies, counseling procedures, yearbooks, and administrative regulations and practices related to compliance with Section 504 and Title IX;
4. Ensure that annual notice of the Section 504 and Title IX Coordinator's name, address, and telephone number is placed in College catalogs, handbooks, etc. (See Form 1210);
5. Review student-sponsored organizations and suggest criteria for compliance with Section 504 and Title IX;
6. Become familiar with resources/information for assistance with institutional self-evaluation and remediation available from the Office for Civil Rights;
7. Develop a systematic procedure for monitoring compliance with Section 504 and Title IX;
8. Disseminate information about student rights in relation to Section 504 and Title IX;
9. Disseminate facility accessibility information to students and staff; and
10. Assure that cooperative training agreements and/or College contracts have appropriate nondiscrimination statements.

GENERAL PROVISIONS

The Coordinators shall receive complaints, actively and independently investigate the merit of those complaints, and assist the parties in resolution of those complaints. The Coordinator may be utilized as a resource by any party at any level of the grievance procedures.

Students, employees, applicants for admission and employment, and sources of referral of applicants for admission and employment with State Fair Community College have the right to file a formal complaint alleging noncompliance with regulations outlined in Title IX or Section 504.

(Approved 2/27/12; revised 11/2018)

GENERAL ADMINISTRATION

Regulation 1211

Equal Opportunity

Title IX Sexual Harassment Policy and Grievance Process

In an ongoing commitment to stop, prevent and remedy incidents of Sexual Harassment, as a form of sexual discrimination under Title IX, this Regulation outlines the conduct which is subject to the Title IX Sexual Harassment Grievance Process, options for resolving such complaints and options for resolution when complaints do not meet the criteria set forth in this Regulation, the rights and responsibilities of College personnel involved in the Title IX Sexual Harassment Grievance Process, and the steps and timelines which comprise the Title IX Sexual Harassment Grievance Process.

The College will maintain the confidentiality of all the individuals who make a report or complaint of sex discrimination, who make a report or file a Formal Complaint of Sexual Harassment, any Complainant, Respondent, or witness participating in a Title IX Sexual Harassment Grievance Process, except as may be permitted by FERPA, or as required by law, or as required to conduct any investigation, hearing or other campus judicial arising from 34 CFR Part 106.

TITLE IX COORDINATOR

As a recipient of Federal financial assistance, State Fair Community College ("SFCC") has designated the following Title IX Coordinator:

Dean of Student and Academic Support Services
3201 West 16th Street, Sedalia, MO 65301
660-596-7393
APorter14@sfccmo.edu
www.sfccmo.edu/offices-services/Title-IX

In this capacity, the Title IX Coordinator shall receive reports of sexual discrimination or harassment from any person through in-person communication, mail, telephone, electronic mail or through a secure web-based reporting platform [<https://cm.maxient.com/reportingform.php?StateFairCC>]. Such reports can be made at any time, including non-business hours. The Title IX Coordinator will respond to complaints of sexual discrimination or harassment in a confidential manner as quickly as reasonably possible. The Title IX Coordinator is responsible for identifying and training College personnel or contractors to assist with the Title IX Sexual Harassment Grievance Process. In the event that the Title IX Coordinator discloses a conflict of interest, is the Complainant, Respondent, or witness in a Title IX Grievance Process, or one of the parties participating in a Title IX Sexual Harassment Grievance Process claims there is a conflict of interest or bias on the part of the Title IX Coordinator, the Executive Director of Human Resources or another designee will assume the responsibilities of Title IX Coordinator for the purposes of that grievance process.

Additionally, the Title IX Coordinator is responsible for ensuring the College's policies relating to Title IX are made available to all current and prospective students, current and prospective employees, and the general public.

SCOPE OF TITLE IX SEXUAL HARASSMENT POLICY

Sexual Harassment is considered a form of sexual discrimination under Title IX, and reports of Sexual Harassment are subject to this policy when they are received by the Title IX Coordinator and/or other individuals on campus with the authority to take corrective actions on behalf of the College. Those individuals/positions will be reviewed annually and communicated on the College's website.

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

For complaints that do not fall under the scope of this policy, complaints against students will be handled through student conduct policies (Regulation 2610), and complaints against employees will be handled under the applicable employment policies (Regulation 4810).

DEFINITIONS

Sexual Harassment is conduct based on sex that meets at least one of the following criteria:

- An SFCC employee conditioning the provision of an aid, benefit, or services of the College on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- "Sexual assault, stalking, dating/domestic violence, as defined herein:
 - *Sexual Assault* –Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
 - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person,
 - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person,
 - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object,

- Touching of another person's genitals or breasts under or over the clothing,
- Touching of one person with the genitals of another person under or over the clothing,
- Domestic Violence - Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media.
- Dating Violence – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Consent is defined as the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter with a specific individual. Consent must be informed, freely given and mutual. Consent is clearly, mutually understandable words or actions communicating an agreement to engage in specific sexual or intimate conduct. It is the responsibility of the person initiating sexual activity to obtain the other party's consent before proceeding with the sexual activity.

A current or past dating or sexual relationship, by itself, does not create consent. Consent to sexual activity in the past does not create consent to future sexual activity. Consent to sexual activity with one person does not create consent to sexual activity with another person. Consent to one sexual activity does not create consent to another sexual activity. Consent can be withdrawn at any time during a sexual encounter.

Consent cannot be given as the result of force, coercion, intimidation, or threats. Consent cannot be given by one who is incapacitated, voluntarily or involuntarily, due to a physical condition, including, but not limited to, the use or influence of drugs or alcohol, or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. If there is any doubt as to another person's capacity to give consent, community members should assume that the other person does not have the capacity to give consent.

A person cannot consent if he or she is under the age of consent or if the person has a mental disability that impairs the individual's ability to provide consent.

Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent is any individual who has been reported to have engaged conduct that could constitute sexual harassment.

HOW TO REPORT POTENTIAL VIOLATIONS OF THIS POLICY

1. Reporting Options

a. Report to the Title IX Coordinator

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

- Title IX Coordinator
Dean of Student and Academic Support Services
3201 West 16th Street, Hopkins 756, Sedalia, MO 65301
660-596-7393
APorter14@sfccmo.edu
- Deputy Title IX Coordinator
Executive Director of Human Resources
3201 West 16th Street, Hopkins 742, Sedalia, MO 65301
660-596-7478
RDawson1@sfccmo.edu

Reports can be made through email, phone, in person, mail, or through the online form located at <https://cm.maxient.com/reportingform.php?StateFairCC>.

Generally, the Title IX Coordinator will designate the Deputy Title IX Coordinator to follow up on reports involving employee Complainants and to coordinate the grievance process for those reports. When a report of sexual harassment is received, the Title IX Coordinator or designee is responsible for promptly responding to the Complainant and providing advice for the following:

- Availability of confidential supportive measures with or without filing a formal complaint;
- The process for filing a formal complaint;
- The rights and responsibilities of a Complainant throughout the grievance process.

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

b. Confidential Reporting.

Individuals may make confidential reports to SFCC counselors. SFCC professional counselors/social workers, when acting in such capacity, will inform students of the reporting process and encourage students to self-report incidents of sexual harassment. Professional counselors/social workers will report the type, approximate date and number of reported incidents to the Title IX Coordinator or Campus Safety and Security without any personally identifiable information regarding the person from whom the disclosure was made for the purposes of accurately reporting required data annually. Privileged information will only be reported to Campus Safety and Security with the student's written approval or if the licensed professional counselor/social worker feels the incident requires immediate attention for the safety of others.

c. Other Reporting Options and Resources

Though individuals impacted by dating violence, domestic violence, sexual assault or stalking are strongly encouraged to seek medical attention for the preservation of evidence and make a report to local law enforcement, they are not required to do so. Campus Safety and Security can be available to assist students and employees with making a report to local law enforcement and can refer students to other sources of support in the community (such as counselors, shelters, Victim Advocates, etc.), as needed. A list of law enforcement jurisdictions and contact information, by SFCC campus location, can be found at www.sfccmo.edu/offices-services/Title-IX.

In an emergency, individuals should contact 911 for immediate assistance.

2. Offer and Provision of Supportive Measures:

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

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, at no cost to Complainants or Respondents, and designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party. They must be offered regardless of whether a Formal Complaint is filed, and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures.

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

- Counseling
- Extensions of deadlines or other course-related adjustments

- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

3. Emergency Removal and Administrative Leave

In limited situations, the Title IX Coordinator may remove a Respondent from the College on an emergency basis because s/he poses an immediate threat to the campus community, or cannot otherwise safely participate in an educational program or activity while the Title IX Sexual Harassment Grievance Process is being conducted. In cooperation with the College's Behavioral Intervention Team, an individualized risk/threat assessment will be conducted to determine whether an immediate physical threat to the health or safety of the Respondent or the campus community arising from the formal sexual harassment complaint would justify removal from campus. When the determination for an emergency removal is reached, the Title IX Coordinator must provide the Respondent with written notice of the decision and an opportunity for an expedited appeal of the determination.

A non-student employee may be removed from campus for any part, or the full duration of, the Title IX Sexual Harassment Grievance Process through administrative leave in cooperation with the Executive Director of Human Resources. No risk/threat assessment is required in these circumstances.

FILING A FORMAL COMPLAINT OF SEXUAL HARASSMENT

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

A Formal Complaint must be in written form, but it may be submitted in person, by mail, by email, or via the College's online form: <https://cm.maxient.com/reportingform.php?StateFairCC>. It must be signed by the Complainant but the required signature may be physical or digital.

Under very limited circumstances, the Title IX Coordinator may exercise the authority to sign a Formal Complaint and trigger the grievance process on behalf of the College. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A Title IX Coordinator may only sign a Formal Complaint after he or she has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the College responds to the report of Sexual Harassment. The

Title IX Coordinator should balance campus safety concerns with respect for the wishes of the Complainant.

In those cases where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not assuming the role of Complainant or any other party, and must otherwise comply with regulatory duties as prescribed in this Regulation.

The Title IX Coordinator has the authority to consolidate Formal Complaints involving more than one Complainant, or against more than one Respondent, where the allegations of sex discrimination or sexual harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

DISMISSAL OF COMPLAINTS

In order for a Formal Complaint of Sexual Harassment to be reviewed and/or resolved through the Title IX Sexual Harassment Grievance Process, it must fall within the scope of the grievance process. Formal Complaints that do not fall within this scope must be dismissed. Upon receipt of a Formal Complaint, the Title IX Coordinator or designee will review the allegations set forth therein and determine whether the Complaint may proceed. After an initial review of the Formal Complaint, the Title IX Coordinator or designee will continue to monitor the investigation and evaluate the Formal Complaint to determine if the below criteria for dismissal apply. To the extent the behavior alleged in the dismissed Formal Complaint could constitute a violation of another College policy, it may be pursued under that policy. The Title IX Coordinator or designee has the discretion to refer the allegations to the appropriate College official.

Mandated Dismissals

Formal Complaints of Sexual Harassment brought pursuant to this policy must be dismissed if:

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

However, such complaints may be subject to review and/or resolution under other SFCC grievance processes, such as Regulation 2160 or 2610 for students or Regulation 4810 or 4850 for employees. Both the Complainant and Respondent will be notified, in writing, of the dismissal decision by the Title IX Coordinator or designee.

Discretionary Dismissals

Formal Complaints may be dismissed at the discretion of the Title IX Coordinator or designee if a Complainant communicates in writing his/her desire to withdraw the Formal Complaint and allegations within, the Respondent is no longer under the control or authority of the College, or in situations when gathering evidence sufficient to make a determination is not possible. Both the Complainant and Respondent will be notified, in writing, of the dismissal decision by the Title IX Coordinator or designee.

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

General Provisions

If any party believes that the Title IX Coordinator or designee has a conflict of interest or bias for or against the individual parties and/or for or against Complainants or Respondents generally, that party should report their concern to the Vice President for Education and Student Support Services. If the Vice President for Education and Student Support Services finds that a conflict of interest or bias exists, s/he may appoint the Executive Director for Human Resources or other designee to assume the role of Title IX Coordinator for the purposes of the specific grievance process involving the parties.

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

The Title IX Sexual Harassment Grievance Process generally will be completed within 100 business days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

Notice of Formal Complaint

Within three business days of receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect and review evidence gathered during the investigation, and that the Student Code of Conduct (Regulation 2610) prohibits knowingly furnishing false information to any College official.

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

Parties will also be provided with notice of all meetings, interviews, or hearings at least three business days in advance. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

Title IX Sexual Harassment Grievance Process Advisors

Both Complainants and Respondents have equal rights to engage the assistance of a grievance process advisor of their choosing during any meeting or proceeding, including the live hearing. During meetings with the Title IX Coordinator and/or Investigators, the process advisor may be present to offer support and to confer with the respective party. However, generally, process advisors will not be permitted to speak on behalf of the individual represented. The only time a process advisor may speak on behalf of the party is to conduct cross examination during the Title IX Sexual Harassment Grievance Process hearing. If either party is not able to identify a process advisor of their choice prior to the live hearing, a trained advisor will be appointed by the Title IX Coordinator or designee to assist them at no cost to the individual. The presence of such a process advisor, either self-selected or College-appointed, is required at the Title IX Sexual Harassment Grievance Process hearing on behalf of both the Complainant and Respondent to conduct cross examination during the live hearing.

The College places no restriction on the choice or presence of a self-selected grievance process advisor for either Complainants or Respondents. However, any and all individuals serving as a process advisor (either self-selected or College-appointed) will be required to adhere to Rules of Procedure and Decorum as outlined and communicated by the Title IX Coordinator. Failure to comply with the Rules of Procedure and Decorum could result in delays in the grievance process or removal from the role of process advisor.

Informal Resolution

An Informal Resolution to a Formal Complaint of Sexual Harassment can be reached when the Complainant and Respondent are equally and voluntarily agreeable to reaching a resolution without the live hearing process. The option of resolving a Formal Complaint through Informal Resolution will be available to both parties throughout the Title IX Sexual Harassment Grievance Process. The decision to stop formal proceedings and engage in an Informal Resolution may be made at any time during the grievance process, with the voluntary, written consent of both the Complainant and the Respondent. Likewise, a Complainant or Respondent has the right to withdraw from an Informal Resolution process and resume the Title IX Sexual Harassment Grievance Process at any time with respect to the Formal Complaint.

Participation in an Informal Resolution process in lieu of the full investigation and live hearing associated with the Title IX Sexual Harassment Grievance Process shall not be a condition of enrollment or continuing enrollment, employment or continuing employment, or waiver of the right to an investigation and live hearing of the formal complaint.

An Informal Resolution process is not allowed in regards to Formal Complaints of Sexual Harassment of a student by an employee.

Assignment of Title IX Investigators

After a Formal Complaint is received, a reasonably prompt, fair and impartial investigation will commence. The Title IX Coordinator or designee will assign a team of no less than two trained Title IX Investigators, who are free from conflicts of interest, or bias for or against either the Complainant or Respondent. The Title IX Coordinator or designee may appoint outside Investigators. The Investigators will meet with both Complainant and Respondent, individually, to engage in the objective collection and evaluation of relevant evidence. Both Complainants and

Respondents are entitled to the identification of witnesses and submission of inculpatory and exculpatory evidence.

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

Investigators are permitted to contact the Title IX Coordinator or designee during the investigative process with technical and procedural questions. However, Investigators should refrain from communication with Advisors, the Hearing Officer, and/or members of the Campus Issue Resolution Committee (CIRC) regarding details of the Formal Complaint until the end of the appellate process.

The burden of proof and the burden for gathering sufficient evidence to reach a determination of responsibility for Sexual Harassment rests with the College.

Review of Evidence and Comment Period

Once the investigation has concluded, both the Complainant and Respondent will have immediate and equal access to evidence which is directly related to the allegations in the Formal Complaint, including that which will not be used in reaching a determination of responsibility. Evidence will be available through the College's secure file transfer protocol (SFTP). The Complainant and Respondent will have the opportunity to provide meaningful written comment on the evidence during a period of no less than 10 business days.

Review of Investigative Report

At the conclusion of the time allowed for the Review of Evidence and Comment Period, the Investigators are responsible for producing a written report summarizing the investigation and all relevant evidence gathered. The final draft of the Investigator Report will be made available to both the Complainant and Respondent equally through the College's SFTP, for a period of no less than 10 business days prior to the hearing.

Live Hearing and Cross Examination

A live hearing will be conducted by a Hearing Officer who will act as a decision maker to reach a final determination of responsibility for sexual harassment under this Policy/Regulations. The Hearing Officer may be a contractor or a member of the professional, administrative staff of the College, and will participate in ongoing training with regards to their role in grievance process. The Hearing Officer will issue notice of the hearing to the parties, including the date, time, and location of the hearing. This notice will be provided at least 3 days before the hearing. The hearing will be held pursuant to the Rules of Procedure and Decorum.

The live hearing may be conducted in one room at any SFCC campus location, or may be conducted through video conferencing technology when the presence of the Complainant and Respondent in the same room is not reasonable, feasible, or if such arrangements are requested by either party. Live hearings conducted virtually must ensure that all parties can simultaneously see and hear each other. Disability-related accommodations relating to participation in a live

hearing will be coordinated with the Disability Resource Center. An audio or audiovisual recording of the live hearing will be made available equally to both the Complainant and Respondent for inspection and review using the College's SFTP.

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

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

After the Hearing Officer asks their questions, each Title IX Grievance Process Advisor will ask all relevant questions directly to the other party and/or witnesses, including follow-up questions and those challenging credibility. At no time will a Complainant or Respondent be allowed to conduct cross examination of witnesses or the other party personally. Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Officer.

The Hearing Officer must not rely on statements from any individual who does not submit to cross examination in reaching a determination regarding responsibility. Additionally, the Hearing Officer cannot draw an inference about a determination of responsibility based solely on a party's or witness's absence from the live hearing or refusal to submit to cross examination.

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

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

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

Determination of Responsibility

After a thorough examination of the evidence and cross examination presented during the live hearing, the Hearing Officer will make a determination of "responsible" or "not responsible" for

violations of this approved SFCC policy and regulation using the preponderance of the evidence standard. In other words, the Hearing Officer's final determination indicates that there is sufficient evidence to conclude that it is more likely than not the Respondent engaged in conduct that meets the College's definition of Sexual Harassment.

The Hearing Officer is responsible for drafting a Hearing Determination letter, outlining the rationale for his/her decision. The letter will be distributed simultaneously to both the Complainant and Respondent by the Title IX Coordinator or designee. This Hearing Determination letter will also contain: an identification of the allegations constituting Sexual Harassment in the Formal Complaint; a description of the procedural steps taken from the receipt of the Formal Complaint, including any notices, interviews, investigations, and hearings; findings of fact that support the determination; conclusions regarding the application of the policy to the facts; and a statement and rationale for the result for each allegation including the determination of responsibility, any sanction that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant. The Hearing Determination Letter will also include the procedures and acceptable bases for an appeal of the Hearing Determination.. It is the responsibility of the appropriate Campus Judicial Officer to implement disciplinary sanctions and the responsibility of the Title IX Coordinator to provide effective implementation of any remedies.

The determination regarding responsibility becomes final and any sanctions take effect on the date on which an appeal to the Campus Issue Resolution Committee (CIRC) would no longer be considered, if no appeal is filed. If an appeal to the CIRC is filed, the final determination of responsibility becomes final on the date the CIRC's written determination is provided simultaneously to both the Complainant and Respondent.

Sanctions and Remedies

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

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

- No contact order on campus
- Written warning/reprimand
- Required change of course schedule
- Required change of campus housing assignment
- Restitution or other campus fines
- Disciplinary probation
- Loss of scholarship funds, campus appointments or leadership positions
- Disciplinary suspension
- Restriction to online courses only
- Ban from student activities, athletic events or other college-sponsored activities
- Eviction from campus housing
- Permanent expulsion from the College

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

- No contact order on campus
- Temporary suspension with pay
- Temporary suspension without pay
- Temporary relocation of work station
- Performance Improvement Plan
- Termination of employment

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

Appeals of Determinations of Responsibility and Dismissals

Both the Complainant and the Respondent are provided the opportunity to appeal a determination of responsibility, as well as the Title IX Coordinator's decision to dismiss a formal complaint. Appeals are submitted for review by the CIRC in writing using a secure web-based platform, no more than 10 business days from the date that the written determination of responsibility is provided. Appeals of such decisions within the Title IX Grievance Process are allowed on the following bases:

- Procedural irregularity or error 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, Investigators, or Hearing Officer had a conflict of interest or bias for or against the Complainant or Respondent which may have affected the outcome of the grievance process.

The CIRC will notify both parties in writing that an appeal has been filed. Each party will then have 10 business days to submit a written statement in support of, or challenging the outcome of the hearing. The CIRC is responsible for issuing a written decision describing the result and rationale to both parties simultaneously.

RETALIATION

No person having made a report or Formal Complaint, participated in or refused participation in any part of the Title IX Sexual Harassment Grievance Process should be subjected to intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by Title IX. Such conduct is strictly prohibited and will be subject to review and/or resolution under other SFCC Regulations. Additionally, reports/complaints made against an individual for other SFCC policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint under the Title IX Sexual Harassment Grievance Process, for the purpose of interfering with any right or privilege secured by Title IX or this policy constitutes retaliation.

It is important to note that exercising rights protected under the First Amendment alone does not constitute retaliation. Complaints of retaliation arising from a Title IX Sexual Harassment Grievance Process may be reported directly to the Title IX Coordinator, Deputy Title IX Coordinator, or through the College's secure web-based reporting platform.

GRIEVANCE PROCESS PERSONNEL TRAINING

The Title IX Coordinator is responsible for ensuring ongoing training for all College personnel or contractors associated with the Title IX Sexual Harassment Grievance Process, including Investigators, Advisors, Hearing Officers and Appellate Body (CIRC) members. Such training may be conducted internally or through organizations and agencies outside the College, and includes all policies and practices associated with the SFCC Title IX Sexual Harassment Grievance Process, best practices in investigative and hearing panel processes, determining credibility and relevance, impartiality and implicit bias, updated guidance relating to Title IX, among other topics.

Specifically, the College will ensure that the Title IX Coordinator, Investigator, Hearing Officers, CIRC members, and any person who facilitates an Informal Resolution has received training on:

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

The Hearing Officer will also receive training on:

- How to operate any technology used in conducting a hearing;
- How to determine relevance of questions and evidence, including the provisions of this policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior; and
- Determining appropriate and consistent sanctions within the College's published policies.

Investigators will also receive training on:

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

All training materials used by the College must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, Hearing Officers, CIRC members, and any individual who facilitates an Informal Resolution must be made publicly available. These materials will be published at www.sfccmo.edu/offices-services/Title-IX.

RETENTION OF TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS FILES

SFCC will maintain electronic copies of the following documents/records relating to formal complaints of sexual harassment for no less than seven years:

- Investigation reports and evidence gathered;
- Audio or audiovisual recordings of live hearings;
- Final Determination letters and disciplinary sanctions imposed on the Respondent;
- Remedies provided to the Complainant in order to restore or preserve equal access to the College's education program or activity;
- Any appeal and the determination of the CIRC;
- Informal Resolutions agreements;
- Supportive measures offered in response to a report or Formal Complaint of Sexual Harassment;
- Written basis for the conclusion that the College was not deliberately indifferent in its response to reports or Formal Complaints of Sexual Harassment;

Additionally, the College will retain all materials used to train Title IX Sexual Harassment Grievance Process personnel (Title IX Coordinator, Investigators, Advisors, Hearing Officer(s), and members of the CIRC) for no less than seven years and make those materials available on its website.

Approved: July 23, 2020

GENERAL ADMINISTRATION

Regulation 1310 **Policy 1310**

College Community Relations

Relations with Law Enforcement Authorities

College students and employees are expected to take an active role in ensuring personal safety and campus security. Any individual on the SFCC campus who is a victim of or observes any criminal activity should report the incident immediately to the Sedalia Police Department. Off-campus centers will report crimes to their nearest law enforcement agency.

The College will maintain a liaison with local law enforcement and local hospital personnel for victim referral as requested or needed in cases of injury or sex offense.

The College will comply with the Crime Awareness and Campus Security Act of 1990, as amended in 2000, by publishing the annual campus crime rate and making it available to prospective students or anyone requesting the information.

(Approved 1/2014)

College/Community Relations**Community Use of College Facilities****Use of Buildings and Grounds**

As part of its community service function, the College will make available, for occasional use, its facilities to community organizations and agencies for educational, cultural, social, civic and recreational purposes. The first priority in scheduling College facilities is instructional use. The second priority is other College related uses. The third priority is non-profit community group uses. Only in unusual cases will facilities be rented for activities that have a profit-making purpose. Each case will be judged on its own merits and additional fees set accordingly.

The college assigns space based on the following priorities:

Credit classes

Non-credit programs and sponsored activities

Partnership institution credit classes

College and Foundation operational activities

Student activities

Community use

Definitions

Co-sponsored Event. A co-sponsored event is an event in which the Leasee requests sponsorship by the college for the event so that the event can occur on the college campus. College employees interested in obtaining co-sponsorship for an external organization should contact the responsible party at their campus. Co-sponsored events must provide some benefit to the college, its students or employees and must be approved in advance by responsible officer and/or the Executive Leadership Team.

Equipment. All equipment, furnishings, and fixtures owned or leased by the college.

Facility. All buildings, structures, grounds, fields, and parking lots owned or leased by the college.

Educational Technology Services (ETS). All technology services are provided by this department.

Excluded Activities. Activities that the college does not permit on campus and for which it will not assign facilities. They include:

- commercial enterprise operating primarily for profit (third party contractors are excluded from this provision);
- social activities (weddings, receptions, parties, funerals, etc.);
- long-term storage of personal vehicles and equipment; or,
- gambling, games of chance, lotteries or raffles.

Executive Leadership Team (ELT). Administrative officers of the college including President, Vice-Presidents, and Deans.

Liability Insurance. An insurance policy that protects the insured from the risk of liabilities imposed by lawsuits and other similar claims. All non-college groups must provide proof of organizational, general liability insurance for a minimum of \$1,000,000 that names State Fair Community College, its trustees, officers, employees, and assigns as the insured or additional insured under the policy.

The college reserves the right to require additional types of insurance coverage or liability insurance coverage greater than \$1,000,000 if we deem the activity warrants greater prudence. Government users that are exempt from indemnification requirements must provide a letter of liability coverage under the state policy.

Leasee. Any community organization or group utilizing college facilities shall be known as the leasee.

Normal Business Hours. Operating hours are 7:30 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. Saturday.

Scheduling Office/Responsible Officer. College employee or unit responsible for administering community use of facilities for a campus. All scheduling of facilities by community groups and organizations in the Sedalia area will be handled through the office of Lifelong Learning, with the exception of rooms located within the Multipurpose Center (MPC) or outdoor spaces. Those requests are handled by the MPC Director. Requests for use of facilities at extended campus locations will be handled by the site coordinator/director.

Support Service. These are services necessary to support the use of a facility. Example of services include custodial, security, maintenance, audio-visual, informational technology, and catering. Required support services and fees will be determined when the applicant makes a reservation.

Third Party Contractors. Commercial organizations that have a contractual agreement with the college to provide services that support college operations.

Waiver of Fees- no charge will be made for use of the facilities, but additional charges may be made for specific services, equipment and/or as the college's rental fee schedule dictates.

The following groups or types of events are exempt from paying a fee, unless the activity requires additional or out of the ordinary expenses on behalf of the college, or the organization charges any admission fee:

- **Student Sponsored Organizations or Activities:** Any student group officially recognized by the college and not charging an admission fee.
- **College Sponsored Groups or Activities:** Institutions or groups providing services for the college students or employees.
- **Tax-supported institutions within the college district:** Governmental entities and political subdivisions such as public schools, city and county government, and other public bodies.
- **Non-profit, non-tax supported entities:** organizations such as Chamber of Commerce, Boy/Girl Scouts, Red Cross, etc. shall be charged the minimum charge to cover utilities and

custodial services as determined by the college administration.

- Guests and invitees of college departments: Organizations and groups invited for financial, educational or relational reasons. Examples might include a local service organization invited to hold a regular member meeting, or a community group invited to utilize a room and tour the facility.

Responsibilities

Scheduling office is responsible for

- ensuring compliance to the policy and regulations.
- reserving space.
- ensuring scheduled space is set-up, equipment is ready, and directional signage is in place.
- informing others on campus as necessary to insure customer satisfaction.
- preparing invoices, collecting deposits.

Physical plant is responsible for room set-up, cleanliness and general operating condition of scheduled space.

Educational Technology Services is responsible for any technology to be used and any technology services desired.

Leasee is responsible for

- the supervision of the group at all times, for insuring that the group remains in the designated area, and for leaving the facilities in good order.
- contacting it's participants when event is scheduled.
- reimbursing the College for any damages and/or additional charges for excessive cleanup cost that might occur in the use of scheduled activity.
- complying with local, state, and federal laws, and College policies and regulations.
- for the removal and proper disposal of all decorations, displays, props, costumes, backgrounds, equipment or other devices used in connection with an event. These materials are to be removed as soon as possible after the event, no later than 8 a.m. the next school or business day. The leasee will be billed for any expense involved in clean-up.
- any loss, personal injury, death, or any other damage (including incidental and consequential) arising from the use of college facilities by the leasee, or any person acting under the leasee's authority.

Facilities Scheduling Process

1. Applications for use of facilities will be made available by the scheduling office.
2. A completed application should be submitted to the appropriate office, at least 15 business days in advance of the date of the proposed use and no more than three months in advance.
3. No application will be officially considered until the Application Form, Hold Harmless Agreement, and Insurance Certificate and/or Insurance Rider are received. In addition, the

College may require additional printed information, such as brochures, pamphlets or fliers describing the organization or the event.

4. If necessary, the appropriate Dean shall be contacted before the approval is given, and at his/her discretion, the request may also be presented to the ELT and/or Board of Trustees.
5. Once a community activity is scheduled, it will not be eliminated or rescheduled for a school activity without consultation and agreement of the affected party except when, in the judgment of the ELT, there is no other alternative.

Fees

1. Fees are listed with the application and are subject to change.
2. A fee will be charged for facilities use depending on the set-up required, equipment needed, and the room utilized.
3. The President shall have authorization to raise, adjust, or waive fees based on the operational needs of the College.
4. Rental charges are based on the number and type of College facilities being requested, the date of the request, the hours of use and the impact on College operation.
5. Charges are based on the services and facilities required the impact on, and availability of, staffing, and the day, time, and nature of event. Only College staff may be engaged to provide services and the College reserves the right to determine the number of staff required.
6. Specialized areas such as laboratories, shops, or other specialized facilities require special arrangements.
7. The rates and conditions will be based upon careful analysis by the College of the needs, experience, and capabilities of the Leasee.
8. Additional charges may be added to any of the fees to include supervision and/or security staff, above normal or overtime custodial help when required, above normal set up costs, use of projectors or other equipment, audio visual equipment, equipment operators, repair or damage, or other costs as determined by the College.
9. Requests for non-profit rates must be accompanied by a copy of 501(c) (3) Certification.
10. All charges shall be paid to the Business Office. All basic and service charges shall be paid in advance. Additional charges for damages shall be billed directly to the Leasee. College employees are paid directly by the College, not the Leasee.
11. A credit card may be requested to charge for damages and fees.
12. Fees will be charged for facilities if the event:
 - is outside the College's normal operating hours
 - requires special staffing, specialized facilities
 - requires set-up
 - is scheduled by a for-profit business or industry
 - is scheduled by a not-for-profit organization that receives funds in connection with the usage of the SFCC facility.
13. The College requires five business days' notice in the event the applicant wishes to cancel

its use of a college facility. The College reserves the right to charge the organization for any costs incurred up to that point, or for other costs incurred as a result of insufficient notice.

14. In the event of extenuating circumstances, such as cases of extreme hardship, the College may consider waiving all or part of the rental fees.

General Provisions

1. Facilities are available during normal business hours. The campus is closed on Sundays and holidays. Request for times outside of normal business hours are handled on a case-by-case basis.
2. A custodian or other authorized member of the College staff shall be available on campus at all times when College facilities are in use by any group. He/she should be contacted to correct problems in the operation of any facility in use. He/she will be alert to discover any damage or misuse of the premises and will report same immediately to the leasee and College. If custodial services beyond that normally scheduled are required as a result of any meeting, such time shall be paid by the leasee at the currently established rate, which may include overtime.
3. The College reserves the right to
 - require that College staff member(s) be present at any meeting or event held in College facilities.
 - require a campus security officer to be present at a scheduled event.
 - determine the number of College custodial, security, technical staff add other personnel needed for an activity
 - charge for costs incurred for providing these services.
4. Those wishing to use College facilities must complete a Facility Use Agreement form and submit it to the responsible officer. Completion of the College Facility Use Agreement shall constitute acceptance by the leasee of the responsibilities stated herein and willingness to comply with all rules and regulations regarding the use of the College facilities as prescribed by the College. If the use of the facility is not as represented on the Agreement form, an additional charge may be made. In the event of property damage, the leasee shall accept and pay the College's estimate of the amount of damage.
5. Any cancellation of reserved dates must be made in writing at least five business days before the date on which meetings are scheduled or as outlined in a MPC contract. Failure to provide this notification will result in the sponsoring entity being charged for set up.
6. During periods of severe inclement weather, the College will make a decision about closing the campus or keeping it open. If the College is closed due to weather conditions, all events on campus will be cancelled. If events cannot be rescheduled, all security deposits and advanced payments will be refunded.
7. The Board reserves the right to cancel any arrangements for use of buildings upon due notice.

8. Extended scheduling (regular or intermittent scheduling for more than a one-month period) for community groups is sometimes possible by special arrangement.
9. Displays, props, backgrounds, etc., in connection with an event must receive advance approval by the responsible officer. No decorations or the application of materials to walls, ceilings, or floors shall be permitted which will mar, deface, or injure these surfaces. Displays must not interfere with crowd movement, College signs or posters. The use of candles must be pre-approved.
10. The temporary use of outdoor signs the day of an event must receive advanced approval by the responsible officer.
11. Any furniture or equipment moved for an event must be returned to its original position before the sponsoring organization leaves campus. A fee will be charged in addition to the room charge if the room is not left as it was found.
12. On-campus clubs and organizations should use the internally defined processes to reserve campus facilities. It is suggested that internal groups such as student organizations observe the three weeks advance notice of event to be scheduled.
13. Employees of the College representing community organizations must schedule events through the responsible officer. Employees or students who misrepresent an event in order to avoid fees and charges will be charged appropriately, may have their reservation privileges suspended, and are subject to discipline.
14. The personal use of College facilities and equipment is regulated by Policy and Regulation 1325.

Restrictions

1. It shall be within the discretion of the responsible officer, acting on behalf of the College, to reject an application after consideration of the nature of the organization or event; its consistency with the College's mission; its adherence to established rules and guidelines as defined by the Community Use of Facilities Policy; the College's ability to safely and sufficiently accommodate the event; and, any and all circumstances or conditions affecting the request.
2. The responsible officer shall be authorized to suspend the permission of the application at any time it appears that the regulations agreed upon are not followed. Reinstatement shall be made only after a review of the application by the ELT and/or the Board of Trustees.
3. The function planned does not duplicate or conflict with the College programs or the College's mission; does not interfere with normal college operations or with public access to college buildings; does not violate any laws, leases or other contracts; the activity is compatible with the safety and security of the College community; and no fee is charged by the sponsoring organization.
4. Organizations sponsoring events at the College shall not indicate or infer endorsement, sponsorship, or affiliation by the College and may not use the College name other than to indicate location. Organizations interested in co-sponsorship or other formal involvement by the College should indicate this to the responsible officer at the time of the initial inquiry.

5. No other activity, solicitation, or promotion may take place in connection with the event, other than the activity described on the application form.
6. College space is not available to individuals for private functions, such as wedding or anniversary receptions, birthday parties, family reunions, etc.
7. Activities that the college does not permit on campus include gambling, games of chance, lotteries or raffles.
8. All activities held on campus with 50 or more people in attendance is required to provide proof of general liability insurance for a minimum of \$1,000,000 that names State Fair Community College, its trustees, officers, employees, and assigns as the insured or additional insured under the policy. The college reserves the right to require additional types of insurance coverage or liability insurance coverage greater than \$1,000,000 if the activity warrants greater coverage.
9. At the discretion of the college, a certificate of liability insurance may be required for groups with less than 50 in attendance.
10. The College is not responsible for any theft, accident or injury which may occur at any event sponsored by a non-college group or organization.
11. All persons or organizations using SFCC facilities are required to comply with all applicable College policies and regulations, including SFCC software standards and licensure requirements.
12. All persons or organizations using SFCC facilities are required to comply with the American Disabilities Act of 1990.
13. The College reserves the right to require that College staff member(s) be present at any meeting or event held in College facilities.
14. Keys to buildings or facilities shall not be issued or loaned on any occasion to the leasee. Doors will be opened and locked by custodians, or other authorized College personnel.
15. Use of Stauffacher Theater, or other specialized classrooms, requires permission of the director of those facilities, the appropriate Dean or ETS, as applicable. The responsible officer will coordinate contact with appropriate offices.
16. Only qualified personnel approved in advance by the College may be permitted to operate stage lighting, sound reinforcement systems and other technical systems.
17. Any material to be used for the purpose of solicitation and the distribution of materials on campus is regulated by Policy and Regulation 1330.
18. Eating and drinking will only be permitted in designated areas.
19. Alcohol and tobacco use is prohibited in all College facilities (including parking lots).
20. Any entity using College facilities that requires catering must give the College food service provider first right of refusal for the event.
21. The sale of concessions or other items must be approved by the College. In many cases, the College will retain the right to sell concessions.
22. College-owned equipment shall not be removed from buildings. Organizations wishing to use special equipment such as projectors may do so, if used on the campus, provided the College is satisfied that a competent operator is in charge. Charges for equipment rental and operation may be required.

23. All shifting of furniture and equipment shall be done under supervision of College employees.
24. Use of the facilities or premises shall be in full compliance with federal and state law, as well as county and city rules or ordinances; any use to the contrary shall be grounds for immediate cancellation of this Agreement.
25. This Agreement shall be non-assignable. Only the leasee as named in the Agreement shall use the facilities.

All organizations and groups eligible for waiver of use fee will be required to clean and put in order any facility utilized prior to leaving the facility. The College reserves the right to charge custodial fees to the leasee, if additional clean up or maintenance is required.

Security Deposit and Payment

1. A security deposit of 15 percent of the usage fee or \$100, whichever is greater, is required. The security deposit and 50 percent of the total usage fee are due at the time of the reservation. The remaining balance must be received at least a week prior to the event.
2. A written, signed contract, total payment for all charges/deposits, and an insurance certificate if applicable must be received by the College at least ten days prior to the date of building/facility use. If the leasee uses the facility longer than specified, they shall be billed for the additional hours. If a building/facility is to be used for an extended period of time, fees for a 30-day period shall be paid in advance and monthly thereafter.

Release of Claims/Holds Harmless

1. In consideration of the permission granted to leasee and the minimal fee charged by the College for the use of its facilities, leasee hereby and forever releases the College and its agents, employees or officers from all debts, claims, demands, actions and causes of action whatsoever, which leasee may now have or may hereafter have, as a result of the uses of said facility.
2. The leasee further agrees to protect, indemnify, and hold harmless the College and its agents, employees, and officers from any claims, demands, actions, damages, or causes of action directly or indirectly arising out of the use of the facilities or premises contemplated by this application.

Interpreting Regulations

Problems and disagreements concerning the interpretation of policies and regulations regarding community use of school facilities should be referred to the responsible officer. Disagreements not resolved by the responsible officer, may be appealed to the appropriate dean and ultimately to the Executive Leadership Team.

See also the current versions of Policies and Regulations:

1210, Civil Rights, Title IX, Section 504

1330, College/Community Relations

1333, Use of Alcoholic Beverages on Campus

9210, Advertising on Campus

GENERAL ADMINISTRATION

Regulation 1330 **Form 1330**

College/Community Relations

College/Community Relations

Owner – President

Contact – Executive Director of Marketing and Communications

Expressive Activities

State Fair Community College endorses the principle of freedom of expression for all persons. However, such freedom is not absolute, and the rights of colleges and universities to regulate time, place and manner of such expressions are well established. In order to honor the right of free expression to the many entities that wish to communicate with our students while protecting against the intrusion upon or interference with the academic programs and administrative processes of SFCC, the following regulation has been adopted to clarify the rights and responsibilities of SFCC, members of the SFCC community, and visitors and guests regarding expressive activities. With the limitations designated below, Expressive Activities are freely permitted on college Grounds.

Definitions

“Expressive Activities” are defined to include, but are not limited to, all forms of noncommercial peaceful assembly, protests, speeches, distribution of literature, carrying signs, and circulating petitions, and .

“Grounds” shall mean all outdoor areas of the college’s Sedalia campus. The outdoor areas at other college locations are not owned by the college, and are therefore not subject to this policy and regulation.

Areas open for use

Grounds are available for users from 8 a.m. to 5 p.m. Monday – Friday. Individuals wishing to engage in Expressive Activities outside of these hours must follow the reservation process listed below. Overnight use of college Grounds is not permitted. The college is closed during certain times throughout the year for holidays and semester breaks and use of college Grounds is not permitted during these times.

Reservation process

Advance reservations by individuals or groups not affiliated with the college who wish to engage in Expressive Activities *are required only* under the following circumstances:

- When Expressive Activities occur outside of 8 a.m. to 5 p.m. Monday – Friday;
- When the individual or group engaging in the Expressive Activities anticipates that fifteen (15) or more individuals will join in the Expressive Activities.
- When Expressive Activities may require increased use of campus resources or present an increased risk of disruption to the campus. Examples of such situations would include, but not be limited to, the erection of temporary displays, use of free-standing signage, tents, booths or tables, the use of seating, or other uses that present a heightened security risk.

Expressive Activities by individuals or groups fewer than 15 not affiliated with the college from 8 a.m. to 5 p.m. Monday through Friday do not require advance reservation.

For any of the circumstances listed above, individuals or groups not affiliated with the college should complete a Reservation for Use of Campus Grounds at least 24 hours prior to the Expressive Activities.

Members of the college community are not required to seek advance reservations and may spontaneously and contemporaneously assemble on college Grounds.

Restrictions Applicable to Expressive Activities

1. No one may engage in any activity that violates college policies, regulations or procedures, or local ordinances, or state or federal laws.
2. No one may engage in any activity that endangers personal safety and/or that results in damage to personal or college property.
3. No one may display or distribute obscene materials, as defined by local, state or federal law, or is within the definition of obscenity as set forth in decisions of the United States Supreme Court.
4. No one may engage in any activity that defames any other person.
5. No one may engage in any activity that it meant to incite or produce imminent violations of law under circumstances such that the activity is likely to actually and imminently incite or produce violations of law.
6. No one may engage in any activity that substantially and materially disrupts the functioning of the college, including the disruption of class work (including out of class studying), or the substantial invasion of the rights of others.
7. No one may engage in any activity that disrupts or impedes the flow of traffic (vehicular or pedestrian) on campus, or obstruct access to or from campus buildings or any official college function.
8. No one may distribute materials on vehicles that are parked.
9. No one may attempt or threaten to strike, shove, kick or otherwise subject a person to unwanted physical contact.
10. No one may follow a person in or about the college campus in an effort to cause such person to accept material when such person has rejected the receipt of such material or otherwise clearly indicated a refusal to accept such material.

11. No one may persist in requesting or demanding the attention of any other person during a single encounter after such person has rejected the receipt of such material or otherwise clearly indicated a refusal to accept such material.
12. No one may fail to identify oneself to, or comply with the lawful direction of, a clearly identified college official or any other public official acting in the performance of their duties while on college property, or resist or obstruct such college or other public officials in the performance of or the attempt to perform their lawful duties.
13. No one shall use any means of amplification.
14. No off-campus groups or organization may utilize the SFCC logo without prior approval. Expressive Activities must not imply endorsement by SFCC.
15. Grievance and Appellate Process
16. Any individual or group who believes that their rights under this Policy and Regulation have been violated, including any group or individual who is denied a reservation, may request a review in accordance with Regulation 2160, Grievance and Appellate Process.
17. Consequence of Unauthorized Use
18. Use of college grounds and other resources may violate this regulation, other applicable college policies and regulations, and civil and criminal laws. Violations of college policy or regulation may result in disciplinary or legal action against violators. In addition, the college reserves the right to immediately discontinue campus access for individuals, groups or organizations for such violations.

(Approved 11/5/15)

GENERAL ADMINISTRATION

**FORM 1330
PR1330**

Owner – President

Contact – Executive Director of Marketing and Communications

Advance reservations by individuals or groups not affiliated with the college who wish to engage in Expressive Activities *are required only* under the following circumstances:

- When Expressive Activities occur outside of 8 a.m. to 5 p.m. Monday – Friday;
- When the individual or group engaging in the Expressive Activities anticipates that fifteen (15) or more individuals will join in the Expressive Activities.
- When Expressive Activities may require increased use of campus resources or present an increased risk of disruption to the campus. Examples of such situations would include, but not be limited to, the erection of temporary displays, use of free-standing signage, tents, booths or tables, the use of seating, or other uses that present a heightened security risk.

Expressive Activities by individuals or groups fewer than 15 not affiliated with the college from 8 a.m. to 5 p.m. Monday through Friday do not require advance reservation.

For any of the circumstances listed above, individuals or groups not affiliated with the college should complete a Reservation for Use of Campus Grounds at least 24 hours prior to the Expressive Activities.

Members of the college community are not required to seek advance reservations and may spontaneously and contemporaneously assemble.

Date _____ Name of Organization _____

Contact information (Name and Phone Number or Email):

Anticipated Number of Participants _____

Any known need for additional security or other campus resources? If so, please explain:

Description of Activity _____

By signing this form, I hereby acknowledge that I have read Regulation 1330-Expressive Activities and understand that I understand the requirements set forth in said regulation.

Signature _____

Completed forms should be returned to Student Services in the Hopkins Student Services Center on the Sedalia campus.

***** Below This Line to be Completed by Office Staff Only *****

Date Received _____ Received By _____

(Revised 11/5/15)

GENERAL ADMINISTRATION

Regulation 1332

College/Community Relations

Prohibition against Firearms and Weapons

The presence of firearms and weapons poses a substantial risk of serious harm to College students, staff and community members. Therefore, possession of firearms and weapons is prohibited on College premises at all times except for law enforcement officials in the line of duty. As used in this policy, the phrase College premises includes all College buildings and grounds. This prohibition also extends to the sites of College activities, whether or not those activities are conducted on College property. Instructors teaching firearms or hunter safety classes must report the need for students and/or instructors to carry firearms or weapons for instructional purposes to the Vice President for Academic and Student Support Services at least 24 hours prior to the first day of class.

Individuals found to be in violation of this policy will be dealt with severely. Students will be disciplined up to and including expulsion. Law enforcement officials will be notified and the individual violating this policy or regulation will be directed to leave the College premises. Non-students and non-employees violating this policy will be barred from all College premises and College activities for a period of one (1) year. Subsequent violations by the same individual will result in a permanent bar from College premises and College activities. Employees who violate this policy will be subject to discipline up to and including dismissal.

Student participation in College-sanctioned gun safety courses, student military or ROTC courses, or other College-sponsored firearm related events does not constitute a violation of this policy, provided the student does not carry a firearm or other weapon into any building, College transportation vehicle, or onto the premises of any other activity sponsored or sanctioned by College officials. In addition, persons passing through College property for purposes of dropping off or picking up a student do not violate this policy if they possess a lawful permitted weapon in the vehicle during this time.

GENERAL ADMINISTRATION

Regulation 1333

College/Community Relation

Use of Alcoholic Beverages on Campus

1. State Fair Community College recognizes its responsibility to foster a learning environment that minimizes the negative impact of high risk alcohol use on student life and academic success. The College further recognizes that care must be taken to allow alcohol only in settings where it is responsible to do so, and to ensure that policies do not result in an atmosphere in which irresponsible or dangerous alcohol use is likely to result.
2. The College observes and enforces all applicable laws and regulations governing the sale, purchase, distribution, consumption, and possession of alcoholic beverages, and expects that all members of its community adhere to these laws and regulations both on and off campus. College funds may not be used to purchase alcohol.
3. The College complies with the Drug Free Schools and Communities Act Amendments of 1989. Annual distribution of alcohol and drug prevention materials to all students, faculty and staff are accomplished through 1) the faculty guide, 2) the staff handbook and 3) the annual institutional and financial information publication. The following information is included:
 - a. statement of standards of conduct, clearly prohibiting unlawful possession, use or distribution of drugs and alcohol by students or employees on school property or a part of school activities;
 - b. statement of adherence to all applicable legal sanctions under local, state and federal law for the unlawful possession or distribution of illicit drugs and alcohol;
 - c. description of drug and alcohol counseling, treatment or rehabilitation programs available to students, faculty and staff;
 - d. description of health risks associated with use of illicit drugs and alcohol; and,
 - e. statement of commitment to impose sanctions on students, faculty and staff in violation of the policy, including a description of those sanctions (such as expulsion, termination and/or referral for prosecution).

The Director of the SFCC Foundation or the Director of the Daum Museum of Contemporary Art must request permission to serve alcoholic beverages (limited to wine or beer).

Applicants must recognize the limited nature of SFCC's alcohol policy and adhere to the procedures that govern events held when alcohol is served. Any event that includes alcohol service must be approved by the president.

Guidelines must:

- a. Clearly specify the area, time, and circumstances in which alcohol will be served, including specifying, when appropriate, that alcohol service will cease at least one hour before the scheduled end of the event, when appropriate, and that the rights of others shall be fully protected.
- b. Clearly state that patrons invited to attend events at which alcohol will be served must be 21 years of age or older. Please Note: alcohol may not be served at student sponsored events or events whose primary target audience are students.
- c. Clearly describe the responsibilities of the event host to use the College dining services vendor to provide the alcohol service, the expense of which is to be borne by the event host. The number of alcohol service staff required for the event is determined by the vendor based on the estimated number of attendees.
- d. Clearly address the manner in which security will be provided for the event (cost of which is to be borne by the event host), and that the number of security personnel will be determined by the vendor based on the anticipated size and nature of the event.
- e. Clearly state the consequences for failure to respect the rights of others and to abide by all applicable local, state and federal laws governing the consumption of alcohol at an event, as well as state who has the authority to make the determination that a patron has failed to abide by policy.
- f. Include a provision for regularly (at least annually) evaluating, in writing, the impact of the policy/procedure on the campus community.

(Approved 8/23/10)

GENERAL ADMINISTRATION

Regulation 1350

College/Community Relations

Public Access to College Documents

The following regulations are intended to ensure full and open disclosure of the College's public records.

Public Records

As defined by state statute and provided in Board policy, public records include but are not limited to reports, surveys, memoranda, documents/studies prepared and presented to the Board by consultants or other professional service paid for in any part by public funds, provided that such "records" are retained by the College.

The phrase "public records" does not include

1. Creation of a document not retained or creation of a summary/compilation of College data where such compilation or summary is not an existing retained record;
2. Internal memoranda or correspondence received by or prepared by or on behalf of the Board where such documents involve advice, opinions, or recommendations related to the Board's decision-making process. However, if such correspondence or memoranda are retained by the College or are presented at a public meeting, they will be deemed public records subject to public access; nor
3. College records closed to public access by the Board include but are not limited to, appropriate legal actions, real estate matters, information related to the performance or merit of individual employees, academic discipline and testing records of personally identifiable students, testing and examination materials, preparation for employee negotiations, specifications for competitive bidding, personnel records, and sealed bidding.

Request for Inspection and/or Duplication

1. Requests for access or duplication of the College's public records must be made to the College's designated Custodian of Records.
2. Upon receipt, the Custodian/designee will provide or deny access within three (3) business days of the request. The date of request will not be counted as one of the three (3) business days provided for response. Where reasonable cause exists the three day response period may be exceeded.

3. *If access is not immediately provided*, the Custodian/designee will provide the person requesting access with a detailed explanation of the reason for the delay. The Custodian/designee will advise of the earliest date, time, and place when access will be provided.
4. *If access is denied*, the Custodian/designee will provide the person requesting access with a written explanation of the reason for denial of access. The written explanation will provide the specific provision of law relied upon in denying access and will be provided within three (3) days of the date when access was denied.
5. Fees for duplication of the College's public records must be received prior to copying unless the fee has been waived by the Board. Upon request of the person requesting duplication, the Custodian/designee will certify that the actual cost of document search and duplication is fair, reasonable, and does not exceed the actual cost incurred by the College.

Unauthorized Removal of Public Records

No person is permitted to remove original public records from College facilities without written permission of the Custodian of Records/designee. Employees who violate this provision are subject to discipline up to and including termination. Violators may be referred to law enforcement officials.

Commercial Use of College Records

No person or business entity will be provided with the exclusive right to have access to, control over, duplication of, and dissemination of the public records of the College.

(Approved 8/23/04)

GENERAL ADMINISTRATION

Regulation 1380 **Policy 1380**

College/Community Relations

Public Complaints

State Fair Community College recognizes problems between students, employees or other stakeholders may occasionally occur. With the exception of issues dealing with harassment or discrimination, which by law must be dealt with immediately through a formal process defined in policy and regulation, the college attempts to resolve problems quickly and at the most appropriate level and complaints concerning the Board of Trustees' actions or operations only, which will be handled by the Office of the President.

When an issue cannot be resolved through informal efforts, the student, employee or other stakeholder may choose to submit a formal complaint. A formal complaint must be made in writing to the Dean of Student and Academic Support Services. The Dean will take the following actions:

- Document the complaint
- Contact appropriate parties
- Follow up to ensure resolution of complaint
- Contact complainant to confirm resolution

A summary report of complaints will be prepared annually in May and will be analyzed and discussed by the Executive Leadership Team, who may recommend improvements or other necessary actions based on the analysis of the data presented.

GENERAL ADMINISTRATION

Regulation 1420

Private, State and Federal Programs Administration

Private, State and Federal Grants

The College has established the following requirements for the Administration of Sponsored Projects. These provide guidance and assistance to faculty and staff in acquiring and administering external funds from a variety of sponsoring agencies.

Administration of Sponsored Projects

Responsibility for sponsored projects

Promptness

Upon acceptance of a sponsored project, the College is responsible for promptly pursuing the research, training or public service called for by the agreement.

Compliance with agency, state and College regulations

Project Director/Principal Investigator (PD/PI) – A Project Director/Principal Investigator is the primary individual responsible for the preparation, conduct, and administration of a research grant, cooperative agreement, training or public service project, contract, or other sponsored project in compliance with applicable laws and regulations and institutional policy governing the conduct of sponsored research.

Project directors/principal investigators have primary responsibility for conducting the sponsored effort in accordance with award terms and conditions and within the funds allocated for such effort. They also are responsible for the programmatic direction of the research project and for initial authorization of all expenditures charged to the award budget. The principal investigator is ultimately responsible for expending funds in compliance with all agency, State, and College regulations.

Deans, directors, and department heads have a corollary responsibility for assuring that all sponsored programs conducted within their jurisdiction are consistent with agency, State and College policies and available funds.

In recognition of the responsibility the College assumes in the management of funds received from the federal government through its granting operations, any requests for expenses intended for activities of a grant's programs or projects are made only after the expenses have been incurred, unless specifically directed otherwise by the grantor. In addition, requests for

reimbursement of expenses are consistent with the terms of the grant and fully in compliance with its conditions and stipulations.

Grants Accounting is responsible for acting as a liaison between the project directors and principal investigators and the agency regarding fiscal matters. This includes financial reporting and financial compliance monitoring.

Financial information and financial compliance monitoring

Grants Accounting has the primary responsibility to provide the principal investigator with financial information necessary to effectively manage a sponsored effort and to assure that all parties comply with the financial terms of the agreement.

It is the Project Director/Principal Investigator's responsibility to make prudent use of funds awarded for a sponsored project, to assure that expenditures are appropriate and directly relate to the budget and intent of the award, and comply with applicable College, State, Federal, and agency directives.

Grants Accounting monitors expenditures to insure compliance with applicable rules, regulations and directives. Expenditures related to sponsored projects are handled in the same manner as expenditures for other fund sources and are subject to the same routine processing, reviews, approvals and other controls.

Non-reimbursement by contract or grant agency

The financial responsibility for any non-reimbursement or requirement to return funds by the granting agency of expenditures made by the PD/PI rests with the College unit, e.g., cost center having primary responsibility for the project.

In the event of such non-reimbursement, the PD/PI and the cost center with primary responsibility for the grant/contract will be accountable for partial or full reimbursement to the College for these expenditures.

Questions or problems concerning financial aspects of projects

Grants Accounting is available to assist with questions or problems encountered by the principal investigator in connection with any phase of the financial management of his or her project. We highly encourage that the principal investigator contact Grants Accounting about an actual or potential financial problem prior to contacting a sponsoring agency.

Delegations of authority

In accordance with federal Office of Management and Budget Circulars, revisions of program plans and budgets may be required to be approved by the federal funding agency. Following are the examples of situations requiring approval by the funding agency.

- Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).
- Change in a key person specified in the application or award document.
- The absence for more than three months or a 25 percent reduction in time devoted to the project, by the approved principal investigator.
- The need for additional Federal funding.
- The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa.
- The inclusion of costs that normally require agency prior approval, e.g., equipment not included in the original proposal.
- The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.
- Unless described in the application and funded in the approved awards, the subaward, transfer or contracting out of any work under an award.

Regulatory requirements can vary contingent on the federal sponsor, or federal program. In some instances for some agencies, State Fair Community College has been granted authority to revise program plans and budgets. However, there is inconsistency among the federal agencies and programs as to what requires agency approval versus the authority delegated to State Fair Community College. Accordingly, Grants Accounting should be consulted to determine if Institutional or Agency approval is required on fiscal matters. The Business Office should be consulted on all non-fiscal matters that may require agency prior approval. In either case, proper documentation is needed for audit review. Specific information will need to be provided by the principal investigator via email or through written correspondence to the appropriate Office. The following questions are relevant to changes in fiscal commitments in the grant/contract.

- Why funds are being redirected?
- Why funds will not be needed as originally planned?
- And, in cases where the funds are normally considered administrative/overhead type costs, what is the direct research-related purpose of the item(s) under consideration?

Once the application for grant, contract or cooperative agreement is funded by the sponsoring agency, State Fair Community College is required to provide the stated resources listed as cost sharing and the same fiduciary responsibilities in expending these funds as is done for the funds

from the sponsoring agency. The principal investigator is responsible for tracking and providing matching information to Grants Accounting.

Closeout of agreements

In order to comply with federal regulations addressing project closeout (OMB A-21 and A-110), a formal project closeout process was established. This process consists of the following steps:

- Grants Accounting, in order to lay out the actions to be taken, will contact the principal investigator within 30-60 days prior to the end of the project.
- The principal investigator is responsible for initiating any requests for extensions by the funding agency via the Business Office. Prior to requesting the extension, an assessment of the budget status and the timeframe in which to complete the expenditures should be addressed with Grants Accounting. This will help assure that all fiscal matters, including matching, are appropriately considered in the request for extension.
- Accounts will be frozen after the project termination date so that transactions after that time can only be charged to the account after review and approval of Grants Accounting.
- The principal investigator will work with Grants Accounting to ensure that all transactions are completed and charged to the accounts within the prescribed sponsor deadline. At most this could be a 90-day period following the end of the grant.

Action upon receipt of award

General

For most grants and contracts, the date to begin the funded project is subsequent to the receipt of the official notification of award from the sponsor. The official notification is in the form of electronic notification or a mailed or faxed officially signed document. These documents may be sent to the Office of the President, the Office of Institutional Research, Grants Accounting or the Project Director/Principal Investigator. To ensure the proper implementation of a grant/contract, these documents should be forwarded to the Business Office who will immediately provide the information to Grants Accounting.

Upon receipt of a formal notice of award received from the Business Office, the Accounting Office will take the following steps:

- Establish the line item budget that is congruent with the College's Chart of Accounts.

The Project Director/Principal Investigator will be notified via email of the account number and other pertinent information.

Note: The Principal Investigator does not have authority to expend funds on a sponsored project until the Grant account number is set up. No charges can be made against existing accounts that are not permanent charges. More specifically, charges may not be transferred later as a mechanism for starting the grant in advance.

Furthermore, Pre-Award Costs cannot be incurred in advance of the effective date of the award unless the exception is specifically recognized, defined, and authorized in the grant/contract.

Expenditure guidelines

The general guidelines for determining costs applicable to grants and contracts are contained in OMB Circular A-21, Cost Principles for Educational Institutions. The basic underlying principle of Circular A-21 is that all allowable costs must be reasonable, allocable to the sponsored project, conform to the sponsored agreement and be consistent with the principles and practices of the College. The responsibility for monitoring all grant and contract costs belong to the principal investigator. All costs must be in accordance with federal, sponsor and College guidelines.

In order for a cost to be considered reasonable, it must reflect the action of a prudent person under the circumstances prevailing at the time the decision to incur the cost is made. In order for a cost to be allocable to a project, it must be incurred specifically to benefit the sponsored project either in whole or in part. If the cost benefits both the sponsored project and other work of the institution, then the portion allocated to the sponsored project must be approximated through reasonable and consistent measures. Further definitions and explanation as to determining the allowability, reasonableness and allocability of costs can be found in OMB Circular A-21 and The Federal Acquisition Register. The cost must conform with the sponsor-approved budget and to limitations or exclusions within the sponsored agreement. Individual agency regulations along with the proposal and award agreement must be consulted for authoritative guidance to determine the allowability of specific costs. The costs must comply with all College policies and guidelines in place at the time the costs are incurred. College Policies and Regulations can be found on the [SFCC Policies and Regulations](#) website.

While it is the primary responsibility for the principal investigator to ensure all costs charged to a sponsored program are allowable, it is also the responsibility of all approvers to review the costs prior to approval to help ensure that unallowable costs are not posted to the sponsored program fund. In the event a cost has posted to a sponsored program fund, which is later determined to be unallowable, the established College policy is that financial responsibility for disallowances rests with the cost center having primary responsibility for the project. For any disallowed cost which is an allowable College costs, a transfer to a College fund will be made immediately. If it is determined the costs would not be allowable at the College level, the principal investigator will be responsible for reimbursing the College.

The purpose of the following section is not to repeat definitions of costs elements, but rather to provide some clarification, guidance, or references as to College policy. Additionally, special considerations or problems will be highlighted. To facilitate reference, arrangement of this section is alphabetical. For guidance on items not referenced, please consult sponsor policies or contact Grants Accounting.

Alcoholic beverages

Costs of alcoholic beverages are unallowable.

Alterations and renovations

Such costs are allowed only in exceptional cases and are subject to specific sponsor guidelines and limitations. Alterations and renovations are normally authorized only for specialized facility requirements and not for general purpose space such as administrative offices.

Consultant services

Proposed consultant charges are subject to particular scrutiny by a sponsor. The federal government permits such charges if budgeted in advance and if it can be documented that such services are essential and will be obtained from the most qualified person at reasonable and normal rates. All consulting services are to be obtained in concurrence with established College policy. Some of the established and more significant policy elements are as follows: Full-time College and other State employees are not authorized to be paid consultant fees by the College. This restriction also applies to corporations and partnerships in which an employee of the College or faculty member serves as either a principal or employee. Payments to former College

employees for consultant services will be closely scrutinized and may require additional documentation to verify status as an independent contractor.

Consultant travel

College policy permits both professional fees and travel expenses to be submitted separately, on a “Consulting and Professional Services Worksheet” and a “Travel Expense Report,” respectively. This is the preferred method of handling such payments, providing the sponsor agency permits the processing of such payments in this manner.

Contingency funds or reserves

Separate budgetary cushions or allowances for unexpected expenditures are generally not allowable charges to a sponsored research program unless a contract or grant specifically authorizes such payments. This does not preclude the utilization of reasonable escalation factors applied to cost elements such as salaries and wages or supplies when preparing the budget.

Encumbrances near to and after termination date

Orders for supplies and equipment must be placed sixty to ninety (60-90) days prior to the fund expiration date to ensure delivery and utilization. Items not received and/or utilized during the award period are routinely disallowed on an audit. If additional time is needed to complete the research project, the principal investigator must contact Grants Accounting for aid in securing fiscal information before submitting an official request for a no-cost date extension to the sponsor via the Business Office. Otherwise, the College must automatically cancel outstanding encumbrances thirty to sixty (30-60) days after termination to avoid disallowances on an audit.

Entertainment

Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency.

Equipment

Equipment, for purposes of the Fixed Assets System, is defined as a non-expendable asset with a useful life of more than a year and a value (cost) of \$5,000 or more for each individual item. Sponsor definitions of non-expendable equipment may vary as to the acquisition cost threshold. Purchases of specialized equipment are normally allowable with advance approval from the sponsoring agency. Sponsor definitions of non-expendable equipment may vary as to the acquisition cost threshold. Purchases of general office equipment and furnishings, such as desks, chairs, tables, etc., will generally not be approved by a federal agency. Whenever practical, equipment already in possession of the College will be utilized to meet research needs. Project funds are normally used to pay for only authorized equipment acquired sufficiently in advance of the ending date (prior to last 90 days) of the project period to be effectively used on that project. Purchases of equipment not meeting the effective utilization test, particularly if there is not a follow-on or continuation award, are usually questioned by auditors and generally result in a cost disallowance or exception.

Honoraria

An honorarium is a one-time payment made to an individual in recognition of a short-term service (such as a lecture or seminar) for which a fee is not legally or traditionally required. Payments of this nature are generally not allowable charges to a sponsored research program unless a contract or grant specifically authorizes such payments. The negotiation of a fee by the individual would indicate a contract for services exists as opposed to an honorarium.

Leave benefits

Personnel paid from a sponsored program fund receive the same leave benefits as personnel paid from other College funds. Faculty on academic year appointments do not accrue vacation benefits and are not eligible to take vacation even if funded by a sponsored program. Staff and fiscal year appointees are encouraged to utilize accrued vacation before the sponsored program's termination date. Accrued vacation paid after the program's termination will be charged to the College. It is the responsibility of the principal investigator to ensure that these employees accurately report their vacation time prior to the project's expiration.

Pre-award cost

Incurrence of project costs prior to the effective date of an award must be avoided. Sponsored Projects should not be initiated prior to the effective date of an award with expectation that such costs will be allowed. Such charges will be permitted only in exceptional cases and must be approved in advance by the sponsor.

Retroactive cost transfers

The federal guidelines for cost transfers state, "Any cost allowable to a particular research agreement may not be shifted to other research agreements in order to meet deficiencies caused by overruns, to avoid restrictions, or for other reasons of convenience. (CIRCULAR A-21, Section C.4.b)" As a result, Grants Accounting must screen all requests for transfer of expenditures to ensure compliance with these regulations. Federal regulations normally allow such transfers only within ninety (90) days of the original encumbrance. When applying for a retroactive costs transfer (if it is allowable and within the granting period), send a memo to Grants Accounting requesting the transfer. The memo must contain all details pertaining to the transfer. In addition, a full explanation and reason for the transfer should be given.

Salaries and wages

Salaries and wages are allowable as a direct cost to the extent that they are reasonable and conform to the established College salary and wage policy. All personnel involved in a sponsored project's effort, whether faculty, professional staff, clerical staff, or students must be paid in accordance with College, Federal and State guidelines. The salary and wage categories and job or position classifications on sponsored projects must be congruent with those established for all other employees of the College. Salary rates and increments are therefore subject to the regulations applied to all other College employees of the same classification. Exceptions only result in audit disallowances. Salary and wage rates contained in a proposal, including projected increases, are budgetary figures. All personnel commitments are handled in conformity with established College salary and wage policies. Budgetary data contained in a proposal does not in any way supersede such policies. All College personnel must be paid through the College payroll system. In addition, all students that are enrolled at the College and are being paid for services rendered must be paid through the College payroll system.

Space rental

In some cases a College department, school, or center may require rental space to house a sponsored project. If off-campus space is required, the Business Office must be contacted early in the proposal stage to assure that College and State regulations are followed

Stipends

Stipends for fellows and trainees are permissible only on training or fellowship grants. Individuals working on research projects are considered employees and their effort must be reflected on the time and effort certification report.

Subcontract and subgrant effort

Some sponsored program projects require the College to collaborate with other institutions or contractors. Such effort must be defined in the proposal and approved by the sponsor agency in advance. Subcontract or subgrant documents must also be approved by the sponsor agency prior to finalization of any such agreement. During any programmatic discussions with potential subcontractors or sub-grantees, financial commitments or arrangements must be coordinated with and approved by the Business Office. As audits are generally required for all subcontracts, the College's proposal must provide for the costs of such audits or contain assurances that the audit will be accomplished. Other colleges are also subject to federal audit requirements and can generally provide needed audit information without the need for a separate subcontract audit. Contact the Business Office for additional information and guidance on this requirement. Except for the estimated cost for auditing a subcontract, all subcontract costs, regardless of their nature, are a composite direct cost as far as the College is concerned and should always be shown in the subcontract cost line of the proposal. Although it is expected that subcontract costs will be broken out and supported in the subcontractor's proposal to the College, subcontract costs should never be intermingled with State Fair Community College cost elements. Each subcontractor that includes facilities and administrative costs as part of their overall budget needs to provide a copy of their most recently federally negotiated facilities and administrative costs rate agreement. Where it is known in advance that specific organizational entities are essential to and will collaborate on a sponsored project, it is customary that estimated costs to be included in the

proposal be corroborated by an official proposal from that organization prior to submission of the proposal.

Supplies

Generally, grant and contract funds may be used to purchase supplies delivered on or after the beginning date of the sponsored project. Purchases made during the latter part of a project are subject to particular audit scrutiny and therefore must be sustainable from the view points of relevance and usefulness to the project. Failure to adhere to these stipulations can result in audit exceptions and costs disallowance. However, some sponsors restrict purchases to budget periods as opposed to multi-year project periods. If supplies are not received prior to the termination of an award or contract, it will normally be necessary to utilize and charge the supplies to the continuation award, or to another active project which requires and can effectively utilize the supplies. Where the usage and charges for such supplies cannot be legitimately absorbed by another active project or departmental budget, prompt action should be taken to cancel outstanding orders and avoid the incurrence of a financial obligation not covered by an authorized budget.

Travel

Travel expenses are allowable if authorized and in direct support of the project. All travel reimbursements, both to College and non-College employees, are subject to State and College policies except in those few instances where more restrictive policies and limitations may be imposed by a specific award. Federal travel regulations will apply when required by federal contracts.

Utility services

Utility costs, such as heat, light, water, air conditioning and local telephone service are recouped through the indirect cost rate and are not considered as direct costs. In unusual circumstances, where inordinate amounts of such services are required for a project, it may be appropriate to direct cost these items.

Regulation 1430
(Policy 1430)

GENERAL ADMINISTRATION

Consumer Information

Compliance

The Dean of Student and Academic Support Services, or designee, will provide notification to students, prospective students, and to employees, all local, state, and federally required information. Examples of this communication include making sure the consumer information page on the website is up to date and communication of annual disclosures to the campus community (i.e. Annual Crime Report).

Examples of compliance reporting include but are not limited to:

The Higher Education Act of 2008

Title IX

Family Education Rights and Privacy Act
(FERPA) Accreditation

Complaints, Comments, Compliments, or
Concerns Disability Support Services

Equal Opportunity

Equity in Athletics (pdf) – consumer information for student
athletes FERPA and Student Records

Residence hall handbook – includes safety and security
information Policies and Regulations (all)

Student handbook

Student outcomes – graduation
rates Title IX Nondiscrimination

Financial aid

Gainful Employment Certificate Programs: *The U.S. Department of Education requires that institutions report certain information about students enrolled in Title IV eligible education programs that lead to gainful employment in a recognized occupation.*

Tuition and fees

Health and Safety

Voter Registration Information

All reporting will be updated and disseminated on an annual basis as of the date required for each area of compliance. Information will be disseminated on the SFCC Website, mySTAR portal, social media, email, and publications as required by law.

(Approved 2/28/19)

GENERAL ADMINISTRATION

Regulation 1520

Administrative Organization and Roles

College President

The College President serves as Chief Executive Officer of State Fair Community College and is responsible to the Board of Trustees for overall management of the College. The job includes the following duties:

Board of Trustees

1. Administers the policies established by the Board of Trustees and recommends policy additions or changes to the Board;
2. Supervises the preparation and coordination of the agenda for the meetings of the Board of Trustees; and
3. Provides the Board of Trustees with information relevant to Board actions, College activities, and current issues in higher education.

Staff Effectiveness

1. Determines annual performance goals with each member of the Executive Leadership Team and monitors progress toward the accomplishment of these goals;
2. Conducts an annual review of the effectiveness of each member of the Executive Leadership Team and presents employment recommendations to the Board of Trustees;
3. Reviews the results of annual evaluations and progress on professional development plans for every employee of the College with the members of the Executive Leadership Team;
4. Makes recommendations to the Board of Trustees for employment of full-time professional personnel; and
5. Approves recommendations for employment of all part-time, temporary, and support staff personnel.

Budget

1. Directs the establishment of annual budget priorities and coordinates preparation of the annual budget for presentation to the Board of Trustees; and
2. In concert with the Vice President for Business Affairs, monitors expenditure/income shifts in the annual budget and takes appropriate action in order to achieve budget goals.

Long-Range and Strategic Planning

1. In cooperation with the Executive Leadership Team and staff, coordinates the development and implementation of a strategic plan for the College;
2. In cooperation with the Chairperson of the Facilities Committee, develops and implements a master plan for the facilities; and
3. Develops strategies for securing the resources, including election campaigns, needed to achieve the priorities in the strategic plan and master plan for facilities development.

Legislation

1. Coordinates legislative activities for the College and serves as the official spokesperson in interpreting appropriation and legislative priorities for the College to the state and federal legislatures and to its individual representatives.

Communication

1. Creates a climate or system in the College family that provides an opportunity for every employee to participate in the decision-making process;
2. Works with the Vice President for Institutional Advancement and other members of the Executive Leadership Team to maximize the public information impact of College activities; and
3. Provides a communication link between College staff and the Board of Trustees and between the Board and the employees.

Special Projects

1. Supervises the implementation of special projects and grant activities.

(Approved 2/24/04)

Administrative Organization and Roles**College Council****Purpose**

The Purpose of this regulation is to provide for a system and instructions, and to assign responsibilities for the scheduling, conducting, and recording meetings and resulting actions of the College Council.

The College Council is comprised of campus leaders who both lead and represent constituents from across SFCC. The council's function is to assist the President in planning for the future of the College, to work collectively toward the achievement of the College's enduring strategic goals, to advise the President on matters of administrative policy and regulation, and to ensure institutional effectiveness in all of the College's endeavors.

The College Council focuses on overarching strategies and policy recommendations for SFCC. The Council may designate sub-committees, task forces or work groups to tackle and/or monitor specific initiatives. Its focus will be on broad planning issues.

Application

This regulation applies to all activities comprising the College Council and it directly concerns council members, executive management, standing committees and project owners.

Mission

The primary mission of the College Council is to provide representation from stakeholders throughout SFCC to provide insight and recommendations to the President on matters that include the following:

- Approval or revision of SFCC regulations to the President
- New or revised SFCC policies for the President to potentially present to the Board of Trustees
- Approval or revision of proposed budget assumptions/priorities to the President
- Approval or revision of the college's strategic plan to the President
- Monitoring of SFCC Score Card and Institutional Key Performance Indicators
- Assigning actions to committees or teams related to the items listed above as related to the councils' mission

Procedure

1. College Council Meeting Frequency and Scheduling

- 1.1 The College Council meets at least 9 times per year to review all ongoing issues listed on the agenda. Generally, the College Council meets once a month to Council members.
- 1.2 Responding to changing or special conditions, the President may, at his or her discretion, call for unscheduled extraordinary College Council sessions.

2 Membership and Attendance

- 2.1 College Council meetings are chaired by the President or delegate.
- 2.2 In addition to the President, the College Council membership includes:
 - A. Two (2) student representatives (SGA President and Vice-President)
 - B. Three (3) Faculty representatives (1 faculty elected by faculty in each instructional Dean area)
 - C. Three (3) Professional Staff representatives (professional staff members elect their representatives)
 - D. Three (3) Classified Staff representatives (classified staff members elect their representatives)
 - E. Three (3) members at large may be appointed by the President.
 - F. One (1) representative of extended locations (if not already included)
- 2.3 Non-student representatives are recommended but not required to have been SFCC employees for one year prior to election. All elected appointments are for two-year terms. Student and appointed members are for one-year terms. Terms are not limited.
- 2.4 An alternate may attend meeting in place of the elected representative if he/she is unable to attend. Methods of selecting alternates are at the discretion of represented groups.

Representatives have the authority and ability to act in place of the Council member regarding decisions made during the meeting. The absent members will receive minutes of the meeting and, after reviewing the minutes, may submit their input and comments to the President and/or the other College Council members.
- 2.5 A simple majority of members present is required for the College Council to take formal action.
- 2.6 Unless otherwise stated, approvals and recommendations take place as a simple majority vote made by the College Council members.
- 2.7 Meetings will be open to college personnel and students. The Council will make rules governing input by guests.

3 Agenda

The President or her/his delegate prepare the agenda for College Council. It is then distributed to the participating employees at least three days before the meeting.

The agenda typically contains the following items:

Performance Data – Category owners may present data related to college performance in areas determined relevant by the Council and the President.

New and Revised Policy and Regulations – Members of the College Council, or an assignee, may be scheduled to present new or revised regulations for the Council to consider. The **owner** and **contact** of the regulation or policy must be involved in the proposed revisions or development.

Current Committee Report – Reports from standing committees that are deemed related to the College Council are given per rotation schedule.

Budget and Revisions – College budget assumptions, priorities, annual budget proposal and revisions are considered by the council.

Strategic Plan and Revisions – Proposed strategic plan and revisions to the plan are to be considered by the council.

Committee or Team Assignments – Discussion of potential assignments to existing or new committees or teams related to the College Council mission is appropriate.

Other Items – Discussion of items that the President or Council Members determine to be related to the College Council's mission is appropriate.

4 Records

Minutes, briefs, or action items from the College Council are prepared by the President's designee (Executive Assistant to the President) and are distributed to the Council members and made available to the campus community in mySTAR.

(Approved 2/28/19; Revised 11/5/2021)

Administrative Organization and Roles**Executive Leadership Team**

The Purpose of this regulation is to provide for a system and instructions, and to assign responsibilities for the scheduling, conducting, and recording meetings and resulting actions of the SFCC Executive Leadership Team (ELT). This regulation applies to all activities comprising the ELT and it directly concerns ELT members, executive management, standing committees and project owners.

Mission

The primary mission of the ELT is to provide ongoing communication and oversight to achieve the organization's operational goals:

- ‡ Development and on-going adherence to and monitoring of the college budget
- ‡ Development and on-going oversight of the organization's operational metrics
- ‡ Operational planning and management of programs and services
- ‡ Executing actions to achieve the strategic plan
- ‡ Executing actions to achieve the campus master plan
- ‡ Assigning actions to committees or teams related to the items listed above Represent SFCC to external stakeholders when needed
- ‡ Accountable for ensuring accreditation standards are maintained (Including Quality Initiatives)
- ‡ Accountable for ensuring policies and regulations are implemented

Procedure:**1 ELT Meeting Frequency and Scheduling**

- 1.1 The ELT meets at least two times per month to review all ongoing issues listed on the agenda. Generally, the ELT meets weekly to discuss or review the most recent items or issues. The President determines the precise dates, coordinating with participating ELT members.
- 1.2 Responding to changing or special conditions, the President may, at his or her discretion, call for unscheduled extraordinary ELT sessions.

2 Membership and Attendance

- 2.1 ELT meetings are chaired by the President and are attended by members of the ELT.
- 2.2 ELT membership is at the discretion of the President and generally includes college administration with updates/reports from key areas:

- A. President (chair)
- B. Vice President for Educational and Student Support Services
- C. Vice President for Finance and Administration
- D. Dean of Academic Affairs
- E. Dean of Student and Academic Support Services
- F. Dean of Technical Education and Workforce Innovation
- G. Dean of Health Sciences

Reports and updates from:

- A. Chief Information Officer (CIO)
- B. Executive Director Marketing and Communications
- C. Executive Director Human Resources
- D. Executive Director Foundation
- E. Executive Assistant to the President
- F. Executive Director of Institutional Effectiveness

- 2.3 ELT meetings are informal, and recommendations are by consensus.
- 2.4 Members receive minutes of the meeting and, after reviewing the minutes, may submit their input and comments to the President and/or the other ELT members.

3 Agenda

The agenda for ELT is prepared by the President or her/his delegate. It is distributed to the participating employees at least 2 days before the meeting.

The agenda typically contains the following items:

- 3.1 Related Performance Data – Category owners may present data related to college operational performance in areas determined relevant by ELT and the President
- 3.2 New and Revised Regulations – Revised or new regulations to discuss or plan their implementation.
- 3.3 Current Committee Report – rotate reports from standing committees that are deemed related to operations and ELT (see EI Committee and Team Table)
- 3.4 Budget Performance – ELT will review and make decisions regarding the latest budget performance as available from the finance and administration department
- 3.5 Program and Service Management – ELT hears updates and reports on programs and services.
- 3.6 Quality System – periodic review of improvement projects and

new project charters to determine progress and completion status, and to identify needed resource reallocation.

- 3.7 Committee or Team Assignments – discussion of potential assignments to existing or new committees or teams related to the ELT mission.
- 3.8 Employee Recognition – ELT members share employee accomplishments and recognitions within their areas.
- 3.9 Other Items – discussion items that the President or ELT Members determine to be related to the ELT mission.

4 Records

- 4.1 Minutes, briefs, or action items from ELT are prepared by the President's designee and are distributed to the ELT members. Sensitive items (e.g., personnel decisions) may be redacted at the direction of the President. Excerpts from the minutes may be shared to other stakeholders at the discretion of the President.

(Approved 8/27/19)

Administrative Organization and Roles**Standing Committees**

This regulation applies to all standing committees at the college, defined as permanent working groups that have an on-going mission. While membership on a standing committee may change, the mission will remain constant. Membership should be inclusive of all constituencies, including faculty, staff, students and community members, as appropriate to the mission of the committee.

Vacancies on committees whose membership is not determined by position will be announced as they arise. Announcements will be made via mySTAR, an announcement at convocation, or other campus-wide communication. Individuals interested in filling the vacancy should contact the committee chair. For committees needing initial or large-scale membership, department chairs and division heads may be asked to recruit members from their units. Student representatives may be recruited via the student government organization or student interest groups.

To ensure that everyone interested in volunteering for a committee has the opportunity, committees are encouraged to establish fixed terms for volunteers and rotate terms to ensure stability and continuity of the committee. Once individuals complete a term, they may volunteer again for the committee and serve two or more consecutive terms. Committee membership lists will be posted on the college website and will be updated annually in October by committee chairs, through Marketing and Communications.

Procedures**Establishing a Committee**

Bylaws for standing committees must be approved by the ELT or by the College Council and will be reviewed and updated annually by the committee. Each standing committee bylaws shall include the following components:

- Mission: A clear definition of the purpose and scope of the standing committee.
- Meeting Frequency and Scheduling: The bylaws will define how often the committee meets and the process for scheduling a meeting.
- Membership and Attendance: The bylaws will define committee membership, terms, and attendance requirements by position.

Existing standing committees shall adhere to provisions of this policy within one year.

Committee Records

- Agenda: Agendas for Standing Committee meetings will be developed

and distributed at least 48 hours in advance of the meeting. The Bylaws will define who is responsible for preparing the agenda, and will establish standard or common agenda items.

- Minutes: Minutes recording, at minimum, the actions of Standing Committees will be maintained. Minutes from each meeting will be distributed as defined in the bylaws and will be deposited in the Committees folder on the U:Drive.
- Yearly Report: Each committee will submit to the Office of Institutional Effectiveness by June 15 an annual summary of activities. A template for the report will be provided.

The Committees folder will ensure a record of committee work is maintained. Each Standing Committee will have a folder in the repository with subfolders by year. All SFCC employees will have Read-Only access to all folders. Each Standing Committee will appoint at least one person who will have editor-access to the committee's folder and who will be responsible for maintaining the meeting minute records in this folder.

List of Standing Committees

A list of standing committees and committee membership will be maintained on a webpage by Marketing and Communications. Committee chairs are required to submit an updated membership list annually in December.

(Approved 8/27/19)

Administrative Organization and Roles

Ad Hoc Committees

This regulation applies to all Ad Hoc committees at the college, defined as temporary working groups that are project-specific. The events coordinated by ad hoc committees may recur annually, but their mission is not on-going. Ad hoc committee membership is by invitation and should be inclusive of all constituencies, including faculty, staff, students and community members, as appropriate to the mission of the committee.

Procedures

Establishing a Committee

Ad Hoc committees may be established by the Executive Leadership Team, College Council, departments, or by owners of processes or events that require committee participation. Ad Hoc Committees do not require approval by ELT or College Council, but communication is highly encouraged. In accordance with best practice, Ad Hoc committees should have a defined scope, duration, meeting frequency, and membership.

Committee Records

Ad Hoc committees shall post minutes or informational notes in the Committees folder on the U:Drive, unless confidentiality precludes public access. Each Ad Hoc Committee will appoint at least one person who will have Editor-access to the committee's folder and who will be responsible for maintaining the records in this folder.

Examples of Ad Hoc Committees

- Project Teams
- Graduation/Commencement Committee
- Career Day Committee

Exception

Hiring Committees shall follow guidelines outlined in the Hiring Manual.

(Approved 8/27/19)