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GENERAL ADMINISTRATION **Regulation 1210**

Equal Opportunity

Nondiscrimination, Harassment and Retaliation

SFCC is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

SFCC values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, SFCC has developed Policy 1210 and the following procedures for prompt, thorough, and equitable resolution of allegations of protected characteristic discrimination, harassment or allegations of retaliation.

Scope

This Policy and Regulation applies to all faculty, employees, students, and other individuals participating in or attempting to participate in the College's program or activities, including education and employment.

This Policy and Regulation prohibit all forms of discrimination on the basis of the protected characteristic(s) listed in Policy 1200.

Required Reporting and Confidential Employees

All SFCC employees (including student-employees), other than those deemed Confidential Employees, are Required Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal SFCC action.

Failure of a Required Reporter to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of SFCC policy and can be subject to disciplinary action for failure to comply. A Required Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

Individuals disclosing incidents of discrimination, harassment and/or retaliation ("Complainant") may want to carefully consider whether they share personally identifiable details with Required Reporters, as those details must be shared with the SFCC Compliance Officers.

If a Complainant expects formal action in response to their allegations, reporting to any Required Reporter can connect them with resources to report alleged crimes and/or policy violations. Completing the process necessary to file a Formal Complaint with an SFCC Compliance Officer is the responsibility of the Complainant.

To enable Complainants to access support and resources without filing a Complaint, the SFCC has designated specific employee(s) as Confidential Resources. Those designated by SFCC as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the involved parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Compliance Officer official unless a Complainant has requested the information be shared. **The only Confidential Resource at SFCC is the full-time Mental Health Counselor.** Contact information for the Counselor is located at https://www.sfccmo.edu/offices-services/counseling-services/.

Jurisdiction

Reports of discrimination, harassment and/or retaliation fall under the jurisdiction of this Regulation when conduct occurs within the College's education programs and activities. The College's education programs and activities include any and all locations, events, or circumstances within the United States, in which the College exercises substantial control over both the Respondent (the person or persons whose conduct or actions are the basis for a complain) and the context in which the conduct occurred, in circumstances where the College has disciplinary authority, and to misconduct occurring within any building owned or controlled by a SFCC program or recognized student organization.

This Regulation may also apply to the effects of off-campus misconduct that limit or deny a person's access to Recipient's education program or activities. SFCC Policy and Regulations are written and interpreted broadly to include online manifestations of any of the behaviors prohibited as discrimination, harassment and/or retaliation (or violations of other College policies), when those behaviors occur in or have an effect on the College's education program and activities, or when they involve the use of SFCC networks, technology, or equipment.

For disciplinary action to be taken under this Regulation, the Respondent must be a SFCC student or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the SFCC community, the Compliance Officer will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving SFCC through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Compliance Officer can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Reports/Complaints of Discrimination

A Report provides notice to the College of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Compliance Officers to provide information, resources, and supportive measures. A Formal Complaint is a document alleging discrimination, harassment or retaliation under Policy 1210 against a Respondent and requesting that the College investigate the allegation of Sexual Harassment. The Complainant must be participating in or attempting to access the College's education program or activity at the time the Formal Complaint is submitted.

A Formal Complaint must be in written form and must be signed by the Complainant, but the required signature may be physical or digital. A Complainant may make a Report and decide at a later time to make a Formal Complaint. Reports or Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) Contact an SFCC Compliance Officer at any time (including during non-business hours) by using the telephone number, email address, or by mail to either of the office locations listed below:

Autumn Whitehead, Ed. D.
Title IX Coordinator
Hopkins Student Services Center
Room 756
3201 West 16th Street
Sedalia, MO 65301
(660) 596-7393
APorter14@sfccmo.edu

Scott Simoneaux
Deputy Title IX Coordinator
Hopkins Student Services Center
Room 702
3201 West 16th Street
Sedalia, MO 65301
(660) 596-7484
SSimoneaux@sfccmo.edu

2) Submit online Reports at https://cm.maxient.com/v2/IRLayouts.php?layoutToEdit=2. Access to the Incident Report link is also available in MySFCC and on the Safety and Security page of the SFCC website. Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits the Recipient's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.

Reporting carries no obligation to initiate a Formal Complaint, and in most situations, SFCC is able to respect a Complainant's request to not initiate a resolution process, However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the College may need to initiate a resolution process. If a Complainant does not wish to file a Formal Complaint, the College will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows the Compliance Officers to discuss and/or provide supportive measures, in most circumstances.

Supportive Measures

SFCC will offer and implement appropriate and reasonable supportive measures to the individuals involved ("Parties") upon a Report of discrimination, harassment and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonable available. They are offered, without fee or charge to all Parties, to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all Parties and/or the College's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Compliance Officer will promptly make supportive measures available to the Parties upon receiving a Report of prohibited conduct. At the time that supportive measures are offered, if a Formal Complaint has not been filed, the Compliance Officer will inform the Complainant, in writing, that they may file a Form Complaint either at that time or in the future. The Compliance Officer will work with all Parties to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. SFCC will act to ensure as minimal an academic/occupational impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden any party.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Student financial aid counseling
- Education to the institutional community or community subgroups(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Any other actions deemed appropriate by the Compliance Officer

Prohibited Conduct

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under this Policy and Regulation. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of SFCC Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses. When the definitions of any specific conduct is outlined in other SFCC Policy or Regulation, those Policy and Regulation numbers are noted.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will cleasrly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other SFCC policies may constitute discrimination or harassment when motivated by actual or perceived characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

Discrimination

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

- Disparate Treatment Discrimination: Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that excludes an individual from participation in, denies the individual benefits of, or otherwise adversely affects a term or condition of an individual's participation in a SFCC program or activity.
- Disparate Impact Discrimination: Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that excludes an individual from participation in, denies the individual benefits of, or otherwise adversely affects a term or condition of an individual's participation in a SFCC program or activity.

Discriminatory Harassment

Discriminatory harassment is unwelcome conduct on the basis of actual or perceived protected characteristic(s), determined by a reasonable person to be so pervasive and objectively offensive, that it effectively denies a person's ability to participate in or benefit from the College's education program or activity.

Sexual Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

Sexual Harassment is a form of sex discrimination on the basis of sex, including sex stereotypes, sexual assault, dating violence, domestic violence, and stalking.

1) Quid pro quo: An employee agent, or other person authorized by the College, to provide an aid, benefit, or service under the College's education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person's participation in unwelcome sexual conduct.
2) Hostile Environment Harassment: Unwelcome sex-based conduct, determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person's ability to participate in or benefit from the College's education program or activity.

The College reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under this Regulation, but may be addressed through other SFCC policy or processes.

1) Sexual Assault: Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse. (Specific definition for each of the following offenses can be found within Regulation 2820.
    a. Rape
    b. Sodomy
    c. Sexual Assault with an Object
    d. Fondling
    e. Incest
    f. Statutory Rape
2) Dating Violence: Violence committed by a Respondent, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

a. Length of the relationship
b. Type of relationship
    i. Frequency of the interaction between the Parties involved in the relationship

3) Domestic Violence: Felony or misdemeanor crimes committed by a person who is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of Missouri or a person similarly situated to a spouse of the Complainant is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, shares a child in common with the Complainant; or commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of Missouri.

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

- Sexual Misconduct, including Sexual Exploitation, is defined as an individual taking non-consensual or abusive sexual advantage or another, that does not constitute Sex-based Harassment as defined above, for their own benefit or for the benefit of anyone other than the person being exploited.

  Examples of Sexual Exploitation include, but are not limited to:
  - Sexual voyeurism
  - Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
  - Prostituting another person
  - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
  - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
  - Engaging in sex trafficking
  - Knowingly creating, possessing, or disseminating child sexual abuse images or recordings

Other Prohibited Conduct

- Bullying: Repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant, that is not speech or conduct that is otherwise protected by the First Amendment.

- Endangerment: Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person or damages their property.
- Hazing: Any act or action which does or is likely to endanger the mental or physical health or safety of any individual as it relates to an individual's initiation, admission into, or affiliation with any SFCC team, group or organization.
- Retaliation: Adverse action, including intimidation, threats, coercion, or discrimination, against any person, by the College, a student, employee, or a person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under this Policy and Regulation, or in any other appropriate steps taken by the College to promptly and effectively end any discrimination or harassment in its education program or activity, prevent its recurrence, and remedy its effects.

  The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy and Regulation. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.
- Unauthorized Disclosure: Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the College; or publicly disclosing a party's personally identifiable information without authorization or consent.
- Failure to Comply/Process Interference: Intentional failure to comply with the reasonable directives of Administrator in the performance of their official duties, including with the terms of a no contact order, or
    - Intentional failure to comply with emergency removal or interim suspension terms
    - Intentional failure to comply with sanctions
    - Intentional failure to adhere to the terms of an agreement achieved through informal resolution
    - Intentional failure to comply with mandated reporting duties as defined in this Policy
    - Intentional interference with any Nondiscrimination, Harassment or Retaliation Resolution process, including but not limited to:
        - Destruction of or concealing of evidence
        - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
        - Intimidating or bribing a witness or party

Consent, Force, Coercion and Incapacitation

As used in this Regulation, the following definitions and understandings apply:

- **Consent:** Knowing, voluntary, and clear permission by word or action to engage in sexual activity.

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

  For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent.

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

  Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

  Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

  Proof of consent or non-consent is not a burden placed on either party involved in a Complaint. Instead, the burden remains on the College to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

  Going beyond the boundaries of consent is prohibited.

- **Force:** The use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

  Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

- **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

- **Incapacitation:** A state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

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

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

  If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Sanctions for conduct that is found to meet the definition of any of the prohibited conduct include within this Regulation can range from Warning to Expulsion/Termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

Standard of Proof

The College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate SFCC policies.

Confidentiality/Privacy

SFCC Makes every effort to preserve the Parties' privacy. The College will not share the identity of any individual who has made a Report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator or discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

Unauthorized Disclosure of Information

Parties and Advisors are prohibited from unauthorized disclosure of information obtained by the College through the Resolution Process (Regulation 1211), to the extent that information is the work product of the College (meaning it has been produced, compiled, or written by SFCC personnel for purposes of its investigation and resolution of a Complaint). It is also a violation of SFCC Policy to publicly disclose work product or a party's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

Emergency Removal/Interim Actions/Leaves

The College can act to remove a student Respondent accused of Sexual Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with the SFCC Care Team using its standard objective violence risk assessment procedures. Employees are subject

Federal Timely Warning Obligations

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") SFCC must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger. (See also Regulation 2823).

Amnesty

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

Equal Opportunity

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

To encourage reporting and participation in the process, SFCC offers Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the Compliance Officer(s), and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

- **Students –** The College maintains an amnesty policy for students who offer help to others in need.
- **Employees –** Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident, amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement).
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sexual Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
    - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
    - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save Copies of email and social media correspondence, including notifications related to account access alerts.

- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complaint and Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

1) All "primary crimes," which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
3) Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking
4) Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with Campus Safety Deputy for publication in the Annual Security Report and daily campus crime log. SFCC personnel who have been designated as Campus Security Authorities, and their contact information, is listed in Regulation 2820.

Independence and Conflicts of Interest

The Compliance Officers coordinate and manage the institutional responses and provisions outlined in this Policy and Regulation, and act with independence and authority, free from bias and conflicts of interest. The Compliance Officers oversee all resolutions under this Policy and Regulation. Any additional SFCC personnel acting as Investigators, Advisors, Decision-Makers, or fulfill other roles in any portion of a Resolution Process are vetted and trained to ensure they are not biased for or against any party in a specific Complain, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Compliance Officers, contact the College President. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other team member involved in a Resolution Process should be raised with the Compliance Officers.

Revision of this Policy

The SFCC Executive Leadership Team reviews and updates these Regulations and procedures regularly. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings. This Regulation complies with the Title IX Final Rule, which were in effect August 14, 2020.

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

(Approved 2/27/12; revised 11/2018; revised 07/18/24)

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GENERAL ADMINISTRATION **Regulation 1211 (Policy 1210)**

Equal Opportunity

Nondiscrimination, Harassment Policy and Retaliation

The procedures below apply to all allegations of discrimination on the basis of an actual or perceived protected characteristic, harassment, retaliation, or Other Prohibited Conduct involving students, employees, or third parties.

Notice or Report or Complaint

Upon receipt of a Report or Formal Complaint of an alleged Policy violation, the Compliance Officer(s) will initiate a prompt initial evaluation to determine the College's next steps. The Compliance Officer(s) will contact the Complainant to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other SFCC policies not incorporated into the Policy on Nondiscrimination, Harassment and Relation (Policy and Regulation 1210) that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all charges. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Compliance Officer(s) may consult with SFCC officials who typically oversee such conduct (e.g., human resources, student Conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of the Compliance Officer(s). All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, employee, and other program handbooks.

Initial Evaluation

The Compliance Officer(s) conducts an initial evaluation typically within five (5) business days of receiving Report or Formal Complaint of alleged misconduct. The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonable constitute a violation of the Policy.
  - If the conduct may not reasonable constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in Regulation 1210. It may then be referred to another process, if applicable.
- Determining whether College has jurisdiction over the reported conduct, as defined in the Policy.
  - If the conduct is not within the College's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate SFCC office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.

- Notifying the Complainant of the resolution option, including a supportive and remedial response, or the Resolution Process described below.
- Determining whether the Complainant wishes to file a Formal Complaint.
- Notifying the Respondent of the resolution options, including a supportive and remedial response, or the Resolution Process described below, if a Form Complaint is made.

Helping a Complainant to Understand Options

If the Complainant indicates they wish to file a Form Complaint, the Compliance(s) Officer(s) will help to facilitate the Formal Complaint, which will include:

- Working with the Complainant to determine whether the Complainant wishes to pursue one of the resolution options:
  - A supportive and remedial response, or
  - The full Resolution Process described below.

The Compliance Officer(s) will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Resolution Process below, and the Compliance Officer(s) has determined the Policy applies and that the College has jurisdiction, they will route the matter to the appropriate Resolution Process, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Compliance Officer), though the Complainant can elect to initiate one later, if desired.

Compliance Officer Authority to Initiate a Complaint

If the Complainant does not wish to file a Formal Complaint, the Compliance Officer(s), who has ultimate discretion as to whether a Formal Complaint is initiated, will offer supportive measures and determine whether to initiate a Formal Complaint themselves. To make this determination, the Compliance Officer(s) will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if the College cannot ensure equal access without initiating a Formal Complaint. The Compliance Officer(s) will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to proceed with initiation of a Formal Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Formal Complaint;
- The risk that additional acts of discrimination would occur if a Formal Complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is a SFCC employee;

- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred;
- Whether the College could end the alleged discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Compliance Officer(s) may consult with appropriate SFCC employees, and/or conduct a violence risk assessment to aid their determination whether to initiate a Formal Complaint. When the Compliance Officer(s) initiates a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

Dismissal of Formal Complaints

After an initial review of a Formal Complaint, the Compliance Officer will 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 Compliance Officer has the discretion to refer the allegations to the appropriate College official.

- Mandated Dismissals - Formal Complaints of discrimination, harassment or retaliation brought pursuant to this policy must be dismissed if:
  1. The conduct alleged would not constitute discrimination, harassment or retaliation as defined in this Regulation;
  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.

- Discretionary Dismissals - Formal Complaints may be dismissed at the discretion of the Compliance Officer if:
  1. A Complainant communicates in writing his/her desire to withdraw the Formal Complaint and allegations within;
  2. The Respondent is no longer under the control or authority of the College; or
  3. In situations when gathering evidence sufficient to make a determination is not possible.

Both the Complainant and Respondent will be notified, in writing, of any dismissal decision by the Compliance Officer.

Emergency Removal/Interim Suspension of a Student

The College may emergency remove a student accused of Sexual Harassment upon receipt of a Formal Complaint, or at any time during the resolution process. Prior to an emergency removal, SFCC will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within three (3) business days of the notification. Upon receipt of a challenge, the Compliance Officer(s) will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within three (3) business days, objections to the emergency removal or interim suspension will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Compliance Officer(s) determines it is equitable to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Compliance Officer(s) for review. An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Compliance Officer(s) will communicate the final decision in writing, typically within three (3) business days of the review meeting.

Placing an Employee on Leave

When the Respondent is an employee, or a student-employee accused of misconduct in the course of their employment, existing provisions for interim action are typically applicable instead of the above emergency removal process. Details regarding those procedures are noted in Policy 4720 and 4730.

Counter-Complaints

The College is obligated to ensure that the resolution process is not abused for retaliatory purposes. Although the College permits the filing of Counter-Complaints, the Compliance Officer(s)will use an initial evaluation, described above, to assess whether the allegations in the Counter-Complaint are made in good faith. When Counter-Complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-Complaints determined to have been reported in good faith will be processed using the Resolution Process outlined in this Regulation. At the Compliance Officer's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Formal Complaint.

Advisors in the Resolution Process

Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The Compliance Officer(s) will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the Nondiscrimination Team available from the College, the College will have trained the Advisor and familiarized them with SFCC's Resolution Process.

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

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Compliance Officer(s) with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The College may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Compliance Officer. The decision to grant this request is at the

Compliance Officer's sole discretion and will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, the Compliance Officer will agree to copy both the party and their Advisor on all communications.

Advisors appointed by the institution cannot be confidential employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Required Reporter responsibilities.

Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records the College shares with them. Advisors may not disclose any SFCC work product or evidence the College obtained solely through the Resolution Process for any purpose not explicitly authorized by SFCC.

Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The College may decline to share materials with any Advisor who has not executed the NDA. SFCC may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

Advisor Expectations

The College generally expects an Advisor to adjust their schedule to allow them to attend SFCC meetings, interviews and/or hearings when planned, but the College may change scheduled meetings, interviews and/or hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting, interview, and/or hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same SFCC policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the College. Advisors are expected to advise their advisees without disrupting proceedings.

Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the College's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting, interview and/or hearing may be ended, or other appropriate measures implemented, including the College requiring the Party to use a different Advisor or providing a different SFCC-appointed Advisor. Subsequently, the Compliance Officer(s) will determine how to address the Advisor's non-compliance and future role.

Accommodations and Support During the Resolution Process

Disability Accommodations

SFCC is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Resolution Process. Anyone needing such accommodations or support should contact the Compliance Officer, who will work with the Disability Resource Coordinator as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

SFCC will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

Hearing Resolution Process

SFCC's approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, and retaliation is a live Hearing Process. Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with SFCC Policy.

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings**. The live hearing may occur in person or via video technology. The Decision-maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Compliance Officer's discretion.
    - The Parties may make a request to the Compliance Officer that the hearing occur in person or via video technology, but they must do so at least three (3) business days prior to the hearing. The Compliance Officer retains discretion to determine whether the hearing will occur in person or via video technology.
    - All hearings will be recorded, and Parties may request a copy of the recording from the Compliance Officer following the live hearing.
    - No unauthorized recordings are permitted.

- **Hearing Participants**. Persons who may be present for a hearing include the Decision-maker(s), Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.

- **Advisors**. The Parties may have the assistance of an Advisor of their choosing at the hearing or can request that the College appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
  - During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen in on the hearing unless explicitly authorized by the Compliance Officer, with each party being provided the same opportunity.
  - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with Policy.
  - [During the hearing, all questions that a party wishes to ask must be posed by the Advisor, not the Parties. OR
  - All questions during the hearing will be asked by the Decision-maker. Parties and Advisors may suggest questions to be posed by the Decision-maker during the pre-hearing meetings or by submission of written questions during the hearing. The method of submitting questions to the Decision-maker will be specified by the Decision-maker during the pre-hearing meetings.]
  - If the party does not have an Advisor, the compliance Officer will provide the party with an Advisor for the purpose of Advisor-conducted questioning.

- **Disability Accommodations and Other Assistance**. Parties should contact the Compliance Officer at least three (3) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.

- **Conflicts of Interest or Bias**. The Decision-maker must not have a bias for or against complainants or respondents generally or the individual Complainant or Respondent in particular.
  - The Decision-maker must recuse themselves if such bias or conflict of interest exists.
  - If the Decision-maker believes there is possible conflict of interest or bias, they will consult with the Compliance Officer about possible recusal or removal.
  - The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Compliance Officer within three (3) business days of receiving the hearing notice.
  - The Compliance Officer will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
  - If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Compliance Officer will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.

- **Evidence Provided to Decision-maker and Parties**.
  - The Decision-maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least five (5) business days in advance of the hearing.
  - The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice, unless those materials have already been provided.

- **Hearing Notice** - The Compliance Officer will send the Parties a Notice of Hearing with sufficient time for the Parties to prepare for the hearing, typically at least ten (10) business days prior to the hearing. Once emailed, notice will be presumptively delivered. The hearing notice includes:
  - A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
  - The time, date, and location of the hearing.
  - A description of any technology that will be used to facilitate the hearing.
  - Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.

- **Witness Participation in the Live Hearing** - Student witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. Employee witnesses are expected to participate in, and make themselves reasonably available for, the hearing. Witnesses may participate in-person or via video technology that allows the Decision-maker and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an advisor without express permission of the Compliance Officer. At the discretion of the Decision-maker, a witness may join by phone if no other reasonable alternative is available.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Compliance Officer may reschedule the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the College's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

The Compliance Officer will notify all witnesses of their requested participation in the hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

- All Parties and the Decision-maker assent to the new witness's participation in the hearing without remanding the complaint back to the investigator, and
- The Decision-maker deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant, not impermissible, and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted.
- Remand the Complaint back to the Investigator for further investigation or verification.
- Allow the Parties to review and comment on the testimony of the new witness.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing absent the new witness's participation.

- **Pre-Hearing Meetings -** The Decision-maker will offer to convene a pre-hearing meeting(s) with the Parties and their Advisors and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

  However, this advance review opportunity does not preclude the Parties from submitting a question at the hearing for the first time or asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing. The Decision-maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

  The Decision-maker will work with the Parties to finalize a witness list for the hearing, and the Compliance will notify any witnesses of the hearing's logistics. The Decision-maker, **only** with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each Party/Advisor, and can be done remotely, or as a written communication exchange. The Decision-maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

- **Hearing Procedures**
  - **Evidentiary Considerations** - The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If deemed relevant and not impermissible, the Parties and Decision-maker must agree to admit it into the record. If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing absent the new evidence.

The new relevant evidence will be admitted to the record if:

- All Parties and the Decision-maker assent to the new evidence being included in the hearing without remanding the Complaint back to the investigator, and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties with at least five (5) business days to review the relevant evidence.
- Remand the Complaint back to the Investigator for further investigation or analysis.
- Allow the Parties to review and comment on the new evidence.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing without allowing the new evidence.

- **Collateral Misconduct**

  The Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, retaliation, and Other Prohibited Behavior under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the discrimination, harassment, retaliation, or Other Prohibited Behavior, even though those collateral allegations may not specifically fall within the Policy.

- **Joint Hearings**

  In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

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

- **Introductions and Hearing Procedure Explanation**

  The Decision-maker will explain the hearing procedures and introduce the participants. The Decision-maker will answer any procedural questions prior to and as they arise throughout the hearing.

- **Investigator Presentation of Final Investigation Report**

  The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-maker and then by the Parties. The Investigator may attend the duration of the hearing or be excused after their testimony at the Decision-maker's discretion.

- **Testimony and Questioning**

  The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through their Advisors.

  All questions must be directed toward and asked through the Decision-maker and are subject to a relevance determination before they are asked. The Decision-maker will determine the method by which the Parties will submit their questions to the Decision-maker for their review and, if approved, to be posed. Questions that the Parties wish to have posed can be questions for that party themselves, another party, or witnesses.

  The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

  The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Decision-maker has final say on all questions and determinations of relevance and appropriateness. The Decision-maker may consult with legal counsel on any questions of admissibility.

The Decision-maker then poses the questions deemed relevant, not impermissible, and appropriate to the party and/or witness.

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

The Decision-maker will allow witnesses who have relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Decision-maker and the Parties, and the witnesses will then be excused.

- **Refusal to Submit to Questioning and Inferences**

  Any party or student witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing if they are reasonably available. The Decision-maker can only rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility. The Decision-maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer any or all questions.

  An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

- **Hearing Recordings**

  The College records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

  The Decision-maker, the Parties, their Advisors, and other appropriate College officials will be permitted to review the recording or review a transcript of the recording upon request to the Compliance Officer. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

- **Deliberation and Determination**

  After closing statements from the Parties, the Decision-maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of proof.

  The Decision-maker will then prepare and provide the Compliance Officer with a written outcome letter detailing all findings and final determinations, the rationale(s) explaining the decision(s), the relevant and not impermissible evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s).

This statement is typically submitted to the Compliance Officer within ten (10) business days from the conclusion of the hearing, unless the Compliance Officer grants an extension. The Compliance Officer will notify the Parties of any extension.

Nondiscrimination Team

The Resolution Process relies on a pool of trained administrators to carry out the process. The Nondiscrimination Team ("Team") will serve two-year terms in one, or a combination, of the following roles at the discretion of the Compliance Officer(s):

- Appropriate intake of and initial guidance pertaining to Complaints
- Advisor to Parties
- Perform or assist with initial evaluation
- Investigator
- Decision-maker

Team Member Appointment

The Compliance Officer(s), in consultation with other SFCC administrators as necessary, appoints the Team, which acts with independence and impartiality. Although members of the Team are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, the College can also designate permanent roles for individuals in the Team.

Training

All materials used to provide training to the Compliance Officer(s), Title IX Coordinator and designees, Investigators, Decision-makers, and any person who is responsible for implementing the College's Nondiscrimination, Harassment and Retaliation Resolution Process, or who has the authority to modify or terminate supportive measures will be available for review upon request. All Nondiscrimination Team members will receive annual training related to their respective role(s).

Additionally, any training related to Title IX will not rely on sex stereotypes. SFCC will maintain copies of training materials from all Title IX training for the Nondiscrimination Team members and employees. Such training materials will be posted online at https://www.sfccmo.edu/offices-services/title-ix/, unless otherwise prohibited under copyright law.

Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Compliance Officer will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the respective Department, Office, and/or Program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to identify to the Compliance Officer, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share SFCC work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations during the Resolution Process
- A link to the College's VAWA Brochure
- An instruction to preserve any evidence that is directly related to the allegations

Notification will be made in writing and delivered by email to the Parties' SFCC-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

Resolution Timeline

SFCC will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which can be extended as necessary for appropriate cause by the Compliance Officer. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the College reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to delay the investigation temporarily, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The College will promptly resume its Resolution Process as soon as feasible. During such a delay, SFCC will implement and maintain supportive measures for the Parties as deemed appropriate.

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

The College will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the process.

Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Compliance Officer(s), Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Compliance Officer will vet the assigned Investigator(s) and Decision-maker(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Compliance Officer will determine whether the concern is reasonable and supportable. If so, another Nondiscrimination Team member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Compliance Officer(s), concerns should be raised with College President.

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

Investigator Appointment

Once an investigation is initiated, the Compliance Officer appoints an Investigator(s) to conduct it. These Investigators may be members of the Nondiscrimination Team, or any other properly trained Investigator, whether internal or external to the College's community.

Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the College's investigation and Resolution Process. Student witnesses and witnesses from outside the SFCC

community cannot be required to participate but are encouraged to cooperate with SFCC investigations and to share what they know about a Formal Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx, etc.), or, in limited circumstances, by telephone. The College will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Interview Recording

It is standard practice for Investigators to create record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. If an Investigator(s) elects to audio and/or video record interviews, all involved individuals should be made aware of audio and/or video recording.

All interviews are recorded. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

As it relates specifically to complaint of sex discrimination and/or sex-based harassment, impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless:

1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or
2) is evidence about specific incidents of the Complainant's prior sexual conduct with the respondent that is offered to prove consent. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would also waive all rights to appeal for the Respondent. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion.

Investigation

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviews with all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

The College may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

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

- Determine the identity and contact information of the Complainant.
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Work with the Compliance Officer, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct follow-up interviews with each, as necessary.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.

- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document in the Draft Investigation Report which questions were asked, with a rationale for any changes or omissions.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the Draft Investigation Report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Compliance Officer and/or legal counsel for their review and feedback.

Sanctions

Factors considered by the Decision-maker when determining sanctions and responsive actions may include, but are not limited to:

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

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

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

Student Sanctions

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

- **Reprimand**: A formal statement that the conduct was unacceptable and a warning that further violation of any SFCC Policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Restrictions**: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or from holding leadership in student organizations.
- **Probation**: An official sanction for violation of SFCC Policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension**: Separation from the institution, or one or more of its facilities, for a definite period of time, typically not to exceed two years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Compliance Officer or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary.
- **Expulsion**: Permanent separation from the institution. The student is banned from SFCC property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary.
- **Other Actions**: In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

Student Group and Organization Sanctions

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

- **Warning**: A formal statement that the conduct was unacceptable and a warning that further violation of any SFCC Policy, procedure, or directive will result in more severe sanctions/responsive actions.

- **Probation**: An official sanction for violation of SFCC Policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- **Suspension**: Termination of student group or organization recognition and/or institutional support for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in SFCC-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- **Expulsion**: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- **Loss of Privileges**: Restricted from accessing specific SFCC privileges for a specified period of time.
- **Other Actions**: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

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

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Demotion
- Shift or schedule adjustments
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Compliance Officer provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, any applicable sanctions that the College is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent the College is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to take to request an appeal, and when the determination is considered final if neither party appeals.

The Compliance Officer will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification will be delivered by email to the Parties' SFCC-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Withdrawal or Resignation Before Complaint Resolution

Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the College, the Resolution Process may continue, or the Compliance Officer may exercise their discretion to dismiss the Formal Complaint. If the Formal Complain is dismissed, SFCC will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Resolution Process, SFCC will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the Formal Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Compliance Officer has discretion to dismiss the Formal Complaint. An enrollment hold will be placed on the student's record.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to SFCC unless and until all sanctions, if any, have been satisfied.

Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent withdraws from the College with unresolved allegations pending, the Resolution Process may continue, or the Compliance Officer may exercise their discretion to dismiss the Formal Complaint. If the Formal Complaint is dismissed, the College may still provide reasonable supportive or remedial measures as

deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Formal Complaint is dismissed, the employee may not return to the College in any capacity. Human Resources, the Registrar, and Admissions Office will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the College. The records retained by Human Resources will reflect that status.

Appeal of the Determination

The Compliance Officer will forward all Request for Appeals to the Campus Issue Resolution Committee (CIRC). In accordance with Regulation 1385, the CIRC members will be appointed as needed by the College President and will include a full-time faculty member, full-time staff member, and an SFCC administrator.

Appeal Grounds

Appeals are limited to the following grounds:

1) A procedural irregularity that would change the outcome
2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made
3) The Compliance Officer, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome
4) The final determination by the Decision-maker is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only)
5) The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only)

Request for Appeal

Any party may submit a written request for appeal ("Request for Appeal") to the CIRC within ten (10) business days of the delivery of the Notice of Outcome. The CIRC Chairperson will determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the CIRC Chairperson, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the CIRC Chairperson will notify all Parties and their Advisors, the Compliance Officer, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Compliance Officer, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The CIRC Chairperson will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the CIRC Chairperson to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Compliance Officer, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The CIRC Chairperson will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with all CIRC members, who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The CIRC will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard.

An appeal is not an opportunity for the CIRC to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The CIRC may consult with the Compliance Officer and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Compliance Officer will maintain documentation of all such consultation.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Compliance Officer (as in cases of bias), the CIRC may order a new investigation and/or a new determination with new Nondiscrimination Team members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the College is permitted to share under federal or state law.

Written notification will be delivered by email to the Parties' SFCC-issued email or otherwise approved account. Once emailed, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the determination will not be implemented during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a "show cause" meeting on the justification for doing so must be permitted within two (2) business days of implementation.

Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Compliance Officer may implement additional long-term remedies or actions with respect to the Parties and/or the SFCC community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

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

- Referral to counseling and health services
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community

- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Compliance Officer, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Compliance Officer will address any remedies the College owes the Respondent to ensure no effective denial of educational access.

The College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the College's ability to provide these services.

Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s), including the CIRC.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Compliance Officer's satisfaction.

Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, SFCC will maintain records of:

1) Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
2) Any disciplinary sanctions imposed on the Respondent
3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the College's education program or activity
4) Any appeal and the result therefrom
5) All materials used to provide training to the Compliance Officer, Title IX Coordinator and designees, Investigators, Decision-makers, CIRC members, and any person who is responsible for

6) implementing the College's Resolution Process, or who has the authority to modify or terminate supportive measures. SFCC will make these training materials available for review upon request.
7) All materials used to train all employees consistent with the requirements in the Title IX Regulations.

SFCC will also maintain any and all records in accordance with state and federal laws.

Revision of these Procedures

The SFCC Executive Leadership Team reviews and updates these Regulations and procedures regularly. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings. This Regulation complies with the Title IX Final Rule, which were in effect August 14, 2020.

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

(Approved 07/23/20; revised 07/18/24)

GENERAL ADMINISTRATION **Regulation 1214**
(Policy 1214)

Animals on Campus

State Fair Community College supports the use of service animals and support animals on campus by those with disabilities as allowed by law and in accordance with this Regulation. Students with questions about the use of service animals or support animals should refer to this Regulation and/or visit the Disability Resource Coordinator. Employees should contact the Office of Human Resources.

Generally, animals under the control of an adult (i.e., 18 years or older) are permitted on college property, but are not permitted within college-owned buildings or facilities except for the following circumstances:

1. Employees who reside on campus may have an animal within their residence or any outdoor spaces on campus.
2. Animals used in official college events or for educational purposes as approved by the overseeing vice president.
3. Animals that serve as an accommodation for a disability, such as service animals trained to assist persons with disabilities, or support animals in campus housing.
4. All other requests must be presented to the Executive Leadership Team and garner approval by the college President.

SFCC recognizes that, as outlined below, pets may be walked in outdoor public spaces and that activities or events on campus may involve animals with the appropriate approvals.

Service animals are working animals and are restricted to dogs that are specifically trained to engage in work or a task directly related to support their handler's disability, such as guiding an individual who is blind, alerting an individual who is deaf, pulling a wheelchair, alerting an individual with diabetes if they need to take insulin, or alerting a person of an impending seizure or PTSD episode. In some cases, a miniature horse may also qualify as a service animal. Any other animals, whether wild or domestic, trained or untrained, are not service animals.

Animals that serve solely to provide a crime deterrent effect, or to provide emotional support, comfort, or companionship are not service animals under the law. Access of service animals on campus is governed by the Americans with Disabilities Act as Amended in 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973, while Emotional Support Animals is governed by Housing and Urban Development (HUD) and the Fair Housing Act.

Service animals have the same rights of access anywhere on campus, in accordance with their handler's rights to access, with limited exceptions based on health or safety issues, such as certain laboratories and food preparation areas. Service animals are considered an extension of their handler and should be with that person and leashed or harnessed at all times, unless there is a disability related reason why a leash, harness, or tether is not possible.

Service animals are not required by law to wear a vest or harness designating them as a working animal, although many handlers do so to signal to others that their animal is working and is not to be considered a pet. There is no state or federal registry of service animals or agencies that provide approval.

Animals on Campus

Students

Service Animals: Students with disabilities who wish to bring a service animal to the College campus – including residential facilities, classrooms, and other College facilities – may do so without prior approval. However, students are strongly encouraged to reach out to the College's Disability Resource Coordinator to ensure that their experience bringing the animal to campus is smooth. Additionally, students with service animals who plan to live in residential facilities are also strongly encouraged to inform Student Life that they plan to have a service animal living with them. Advance notice of a service animal for residential facilities may allow more flexibility in meeting a student's needs including notifying roommates.

Emotional Support Animals: Students who wish to bring an emotional support animal into residential facilities must go through the reasonable accommodation application process with the Disability Resource Center. While student accommodation requests will be accepted and considered at any time, requests should be made as far in advance as is reasonably possible before the student intends to bring the animal to campus to ensure timely consideration. An emotional support animal will not be allowed until formal approval has been received. Housing will allow one approved support animal per student resident.

- Upon receipt of request for an emotional support animal, the Disability Resource Coordinator will engage in the interactive process as part of the accommodation approval procedure with the student to determine if the use of the animal is a reasonable accommodation. This is an individualized assessment, and determinations will be made on a case-by-case basis.
- In order for an emotional support animal to be considered as a reasonable accommodation for a student with a qualified disability, the request must include supporting documentation from a professional physician, psychiatrist, social worker, or other licensed mental healthcare provider (on letterhead and signed) and generally include the following information:
  - A current diagnostic statement that identifies the disability, including date of initial and most current diagnosis, and a description of the functional limitation or symptoms of the disability affecting the student;
  - Information regarding the relationship between the disability and the relief the animal provides; and,
  - Information that demonstrates the animal is necessary in order for the student to use and enjoy his/her on-campus living arrangement.
- Emotional Support Animals that have been approved as a reasonable accommodation must be contained in the owner's residence or walked in appropriate outdoor spaces. Students are not permitted to bring emotional support animals into classrooms, meetings, or other College facilities and events.

Animals on Campus

Visitors

Service Animals: Visitors are permitted to bring service animals onto campus and into college buildings, classrooms, residential areas, meetings, dining areas, recreational facilities, activities, and events without prior approval subject to the standards outlined below.

Emotional Support Animals: Visitors may not bring emotional support animals into college facilities.

Employees

Service Animals: Employees with disabilities who wish to bring a service animal to a part of the college campus that is not their workspace – including residential facilities, event spaces, and other college facilities – may do so without prior approval as "Visitors" (above). Employees with disabilities who wish to bring a service animal with them as they perform their work duties on behalf of the college must participate in the interactive process with the office of Human Resources. The interactive process is used to determine whether an appropriate reasonable accommodation, such as a service animal, is available and necessary for the employee to perform the essential functions of their position, as set forth by the ADAAA.

Emotional Support Animals: Employees may not bring emotional support animals into campus facilities unless the employee is required to live on campus, in which case they will be permitted in the employee's residence only, and follow the same rules as outlined above for students who reside on campus.

Inquiries Regarding Service Animals

In general, college employees should not ask about the nature or extent of a person's disability. However, as permitted by the ADAAA, if it is not obvious that the animal is required because of a disability, the handler may only be asked by college employees the following:

1. If the animal is required because of disability, and
2. What work or task the animal has been trained to perform related to a disability.

The handler should not be asked for documentation, such as proof that the animal has been certified, trained, or licensed as a service animal except as part of the Disability Resource Center or Human Resource processes stated elsewhere in this policy.

Areas Off Limits to Animals Except for Service Animals on a Case-by-Case Basis

While service animals are generally allowed to go anywhere on campus that the handler is allowed to go, there are certain areas where the presence of any animal fundamentally alters the nature of a program or activity or is disruptive. Examples of the areas that are off limits to animals include:

Animals on Campus

1. **Laboratories:** The natural organisms carried by dogs and other animals may negatively affect the outcome of science lab experiments. At the same time, the chemicals and/or organisms used in the labs may be harmful to animals.
2. **Mechanical Rooms/Custodial Closets:** Mechanical rooms, such as boiler rooms, facility equipment rooms, electrical closets, elevator control rooms, and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.
3. **Food Preparation Areas:** Food preparation areas are off limits to animals per health codes.
4. **Areas Where Protective Clothing is Necessary:** Any room requiring protective eye wear or clothing is off-limits to animals. Examples impacting students include the kiln, chemistry lab, welding lab, automotive shop, and metal/machine shops.
5. **Areas where there is a Danger to the Service Animal:** Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there is hot material on the floor; where there is a high level of dust; or where there is moving machinery is off-limits to animals.

Questions regarding service animals being allowed in the above areas will be determined on a case-by-case basis and should be directed to the Disability Resource Coordinator or Human Resources office.

Responsibilities for the Handler of Service Animals and/or Emotional Support Animals

1. The handler must be in full control of the animal at all times.

2. The handler must keep the animal on a harness, leash, or other tether unless it interferes with the animal's ability to safely and effectively perform its duties. In such cases, the animal must still be under the handler's control through voice control, signals, or other effective means.

3. The handler must assure the animal does not display any behaviors or noises that are unduly disruptive to others in the environment or for service animals in classrooms or on campus.

4. The animal may not fundamentally alter the nature of the college's operations or pose an undue financial or administrative burden to the college.

5. The handler must immediately remove and properly dispose of any animal waste.

Animals on Campus

6. All animals must be in compliance with county and/or city licensing laws and have up-to-date vaccinations and have a record from a veterinarian of a clean bill of health. The owner is responsible for providing documentation of licensing and vaccination information to the appropriate office or authorities when requested.

7. Cleanliness of the animal is mandatory. Daily grooming and occasional baths by a vet, groomer, or owner should keep service animal odor to a minimum. Flea control is essential, and adequate preventative measures should be taken.

8. The owner/handler, not State Fair Community College, is responsible for the actions of their animal, including bodily injury or property damage or cleaning costs, to include pest mitigation, that exceed regular campus expenses. Any damage caused by the animal that necessitates replacement or repair of damaged furniture, walls or carpet (beyond regular wear and tear), or extra cleaning due to poor animal hygiene, will be charged to the owner/handler.

Removal of a Service Animal and/or Emotional Support Animal

A State Fair Community College official may require an owner/handler to remove a service animal from the campus premises for the following reasons:

1. If the animal is unruly or disruptive or out of control and the handler/owner does not take immediate effective action to control the animal.

2. If the animal is not house broken.

3. If the owner/handler fails to properly clean up and dispose of the animal's waste.

4. If the animal is ill or in poor health.

5. If the animal poses a substantial and direct threat to the health and safety of others, and the threat cannot be reduced or eliminated by a reasonable accommodation. There are no automatically excluded breeds and an inherent fear of an animal is not sufficient reason to have it removed.

Animals on Campus

Requirements for the College Community

Members of the College community are required to abide by the following practices:

1. Allow a service animal to accompany its owner at all times and in all places on campus, except where specifically prohibited.

2. Do not touch or pet a service animal unless invited to do so.

3. Do not feed a service animal.

4. Do not deliberately startle a service animal.

5. Do not inquire for details about a person's disabilities or ask a person with a qualifying disability to demonstrate the work or task performed by their service animal.

Conflicting Disabilities

If a third-party requests that a service animal be removed due to a medical condition, such as a respiratory disease, asthma, or severe allergy, that is affected by the service animal, State Fair Community College will engage in an individualized assessment of the situation and consider the needs of all parties in meeting its obligation to provide reasonable accommodations. The third party making such a request may be required to provide medical documentation that will allow a determination to be made as to whether the conflicting condition is a disability or only an impairment and there is a need to provide accommodation to the third party.

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)

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GENERAL ADMINISTRATION **Regulation 1320**

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.

College/Community Relations

Community Use of College Facilities

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.

College/Community Relations

Community Use of College Facilities

- 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 its 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.

Community Use of College Facilities

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.

Grievance and Appellate Process

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.

Consequence of Unauthorized Use

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)

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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 as follows: this prohibition does not apply to on-duty law enforcement officials in the line of duty; does not prohibit the use of firearms or weapons for pre-approved College instructional and athletic purposes; and does not prohibit individuals from having a firearm in the individual's vehicle on College premises so long as the vehicle is locked and the firearm is not visible. 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 and coaches of Shooting Sports teams must report the need for students and/or instructors to carry firearms or weapons for instructional, competition or practice purposes to the Vice President for Academic and Student Support Services at least 24 hours prior to the first day of class.

Student participation in College-sanctioned gun safety courses, student military or ROTC courses, Shooting Sports competitions or practices 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 without the permission cited above.

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.

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).

College/Community Relation

Use of Alcoholic Beverages on Campus

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 1340**
Policy 1340

College/Community Relations

Guidelines for Human Research

Any person desiring to conduct research using college faculty, staff, or students as research subjects shall abide by this regulation. To be approved, the purpose and scope of the research must be deemed beneficial to the college. Authorization from the Office of Institutional Effectiveness shall precede commencement of any work involving human subjects at SFCC.

This review process is established to determine and ensure that:

- The welfare and rights of human subjects are adequately protected and informed consent given, if necessary;
- Human subjects are not placed at unreasonable physical, mental, or emotional risk as a result of the research;
- The research outcomes are of significance to the interests of the college;
- The necessity and importance of the research outweighs the risks to the subjects; and
- The researcher(s) is/are qualified to conduct research involving human subjects.

Research protocols must comply with all SFCC policies and regulations, including Policy 1410 – Protection of Student Rights.

Research Approval Process

The Office of Institutional Effectiveness is authorized by the SFCC president to approve or decline requests for use of college students, faculty, and staff in human research studies. The approval process begins by contacting the Office of Institutional Effectiveness to obtain the *Application for Consideration of Research Proposal*. Upon screening of the completed application:

- The Office of Institutional Effectiveness may waive its review process if the research proposal has received IRB approval from a graduate institution within one calendar year and the project meets institutional criteria. In this case, the Principal Investigator must include the completed research proposal documents from the graduate school, and the research focus and timeframe must be consistent.
- The Office of Institutional Effectiveness may conduct a review of the proposal, in which case the Principal Investigator will be required to provide additional materials. IE will evaluate the risk, recruitment, informed consent, data security, privacy, and confidentiality provisions of the proposal as well as its compliance with college policy and regulations. IE may approve, decline, or seek further information/clarification.
- After conducting a review of the proposal, the Office of Institutional Effectiveness may find it necessary to forward the research proposal to an Institutional Review Board for further investigation. Historically, SFCC has maintained an agreement with the University of Central Missouri Institutional Review Board to provide such investigations.
- The research proposal may be declined. SFCC and the Office of Institutional Effectiveness are not required to provide justification for declining research proposals.

Guidelines for Human Research

Research Approval Process (cont'd)

If research is approved, the Principal Investigator must communicate to the Office of Institutional Effectiveness:

- A detailed research plan/protocol prior to initiating research;
- Any changes in purpose, scope, or timeline to original plans during research; and
- Any data gathered and the final research summary report upon completion of research.

Age and Informed Consent Requirements

All researchers proposing human research studies must complete Participant-Centered Informed Consent Training offered by the U.S. Department of Health and Human Services. Certification of such training and a copy of the Informed Consent form for the research study must be submitted with the *Application for Consideration of Research Proposal*.

SFCC and all study subjects must be informed about what participation in the research project entails. All individual subjects must read and sign an Informed Consent form prior to participating in the study. Through the Informed Consent document, the researcher(s) must ensure that potential participants understand what is required of them as research subjects and that participation is optional.

Federal law stipulates that only individuals 18 years or older are capable of giving informed consent. Subjects under 18 years of age may participate in the project only with the signature of the parent or legal guardian in addition to their own signature. The research must be explained to the minor participant by their parent or guardian in language they can understand.

(Approved 4/9/24; revised 6/6/24)

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.

College/Community Relations

Public Access to College Documents

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 1375
Policy 1375

College/Community Relations

Honorary Degrees

Awarded by State Fair Community College Board of Trustees, the honorary associate's degree is the highest form of recognition offered by State Fair Community College to persons of exceptional distinction.

1. **Purpose:**
    a. To honor meritorious and outstanding service to the College and/or to the community at large; and,
    b. To recognize persons whose lives serve as examples of the College's aspirations for its students.

2. **Criteria:**
    a. Individual who has made a significant, noteworthy contribution to State Fair Community College and/or to the community at large.
    b. Individual who has demonstrated an enduring commitment of commendable service to State Fair Community College.
    c. Current faculty, staff, and trustees are not eligible. Faculty, staff, and trustees who have been separated from the College for at least five years are eligible.
    d. Generally, the College will award no more than two honorary degrees in any academic year.

3. **The Nature of the Honorary Degree:**
    The Board of Trustees shall award all honorary degrees in the name of State Fair Community College. As authorized by law, the Board of Trustees has selected to offer the following registered honorary degrees:
    - Associate of Arts
    - Associate of Arts in Teaching
    - Associate of Applied Science
    - Associate of General Studies
    - Associate of Fine Arts
    - Associate of Science

    The specific honorary degree awarded shall be appropriate to the nature of the attainment which is being recognized. The following are areas in which individuals may have made significant contributions:
    a. **Educational Service**: recognizing outstanding service that enhances educational opportunities for the area or that gives personal assistance that leads to the success of individuals in higher education.
    b. **Humanitarian Service**: recognizing outstanding altruism that enhances the quality of life for others in the area
    c. **Servant Leadership**: recognizing outstanding service that goes "the second mile" beyond the servant's paid job description in any area of leadership and that benefits others and/or enhances their leadership capabilities.
    d. **Fine Arts**: recognizing outstanding contributions to the arts in any form that enhances the quality of life in the area.

e. **Entrepreneurial Leadership**: recognizing outstanding contributions to business/industry through creative start-ups of new enterprises or through innovative management or business or industry.

4. **Awarding of Honorary Degrees**
   Honorary degrees shall be conferred by the State Fair Board of Trustees at commencement exercises.
   a. Honorary degrees shall be bestowed by the College President, the Chair of the Board of Trustees, or a Trustee designated by the Chair.
   b. Honorary degrees may be awarded in absentia and posthumously, but only upon recommendation to the Board of Trustees by the College President in the case of extraordinary and compelling circumstances.

5. **Process for the Selection of Degree Recipients**
   State Fair Community College Board of Trustees awards honorary degrees based on a recommendation from the College President. Coordination of the selection and nomination process for honorary degree recipients is the responsibility of the College President.

Revoking an Honorary Degree: The authority to revoke a previously awarded honorary degree rests with the State Fair Board of Trustees. The Board of Trustees may revoke an honorary degree if, in its judgment, the recipient of the degree has engaged in conduct that: 1) is inconsistent with SFCC's mission and/or values; 2) undermines the accomplishments that were cited as the basis for awarding the honorary degree; or 3) is injurious to the reputation of SFCC or any of its constituent campuses. The Board of Trustees' revocation of an honorary degree must be supported by the President's recommendation, made after an evaluation of the necessity for such action using the same procedures followed for the selection and nomination of that honorary degree recipient.

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.

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GENERAL ADMINISTRATION **Regulation 1385**
(Policy 1385)

Due Process

Grievance and Appellate Process

The grievance and appellate process is designed to provide students, employees and members of the public with a fair and equitable process to resolve potential issues relating to State Fair Community College. For the purposes of this Regulation the following definitions are provided as a guide for which elements of Due Process are appropriate in certain circumstances. The responsibility for determining the appropriate resolution process rests with the Campus Judicial Officer and is not dependent solely on how a report or concern is received:

- **Complaint** – A complaint is a statement of dissatisfaction with a situation or interaction involving the College. Complaints may be made anonymously, and resolution may be reached through informal means. Though complaints can be made without a specified limitation on time, all complaints should be made as promptly as possible. A delay in reporting may substantially limit the College's ability to respond to the complaint.
- **Grievance** – A grievance is an issue or concern for a which a student, employee or members of the public feels wronged, including improper, unfair, arbitrary or discriminatory action. Grievances are reported and resolved through more formal processes. Grievances typically include a Complainant (person seeking resolution) and a policy, procedure or practice that is preventing access to the College's education program(s) or activities. All appeals should be made within 30 days of the alleged incident and/or 30 days following the end of the academic term (for academic and/or student account balance appeals).
- **Appeal** – An appeal is a request for an adverse action and/or unsatisfactory outcome from either a complaint or grievance to be reviewed and possibly reversed. All appeals should be made within 10 business days of the unsatisfactory decision or determination.

Students – The following matters related to students of State Fair Community College are subject to process under this policy. Students may report grievances or appeals relating to:

- Violations of Student Code of Conduct and/or subsequent sanctions
- Campus Housing disciplinary actions, violations of Campus Housing regulations or contract.
- Violations of Board of Trustees approved policy or regulation.
- Violations of the Family Educational Rights and Privacy Act (FERPA).
- Concerns or disputes relating to eligibility for student extracurricular activities and events, Campus Store policies or charges, and food service policies or charges.
- Refunds of tuition and/or fees, including Campus Housing charges and Campus Store purchases.
    - Restrictions: Appeals are only permissible if tuition, fees or purchases were misapplied due to administrative error.
- Appeals of administrative removal from classes (administrative drops).
    - Restrictions: Appeals are only permissible if drops were misapplied due to administrative error.

Grievance and Appellate Process

- Other SFCC billing errors.
- Academic probation/suspension.
- Determination of residency relative to tuition charges.
- Graduation or commencement participation.
- Grade appeals.
    - Restrictions: Grade appeals are only permissible if grades were inaccurate due to administrative error or if grades were computed outside of the terms defined in the course syllabus. It is recommended students follow the steps below regarding grade disputes before filing an appeal:
        1. Contact the instructor for the course regarding the grade dispute as soon as possible after the grade has been issued.
        2. If the student still disputes the grade after communicating with the instructor, they should contact the appropriate Associate Dean for the course.
        3. If the student disputes the decision of the Associate Dean, they should submit an appeal using the Grievance and Appellate form to the appropriate Dean.
        4. If a student disputes the decision of the Dean, he or she should submit a final appeal to the Campus Issue Resolution Committee.
- Transcript evaluations.
- Late registration reinstatements

Employees – The following matters related to employees of State Fair Community College are subject to process under this policy. Employees may report grievances or appeals relating to:

- Suspension of employment for a defined period of time, with or without pay.
- Termination of employment.
- Other policy or regulations, as approved by the Board of Trustees.

Public – Members of the public are entitled to process under this policy when making grievances or appeals relating to:

- Denial of an application to use SFCC Buildings and/or Grounds, or problems and disagreements concerning the interpretation of Policy and Regulations 1320.
- Denial of reservation and/or access to SFCC property for Expressive Activities.
- Denial of request for use of college students, faculty and staff in human research studies (IRB).
- Denial of request for access to SFCC public records.

Grievance and Appellate Process

Complaints or grievances from students, employees and members of the public relating to discrimination, harassment or retaliation on the basis of a protected status or protected activity, as noted in any of the federal laws listed below, can be made in-person, by mail, phone, email or through electronic submission using the form(s) available on the SFCC website. Such complaints and grievances are subject to the Nondiscrimination, Harassment and Retaliation Process outlined in Regulation 1211.

- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.
- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits employment discrimination based on race, color, religion, sex, and national origin.
- Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.
- Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age.

For students and members of the public

Most grievances utilize the procedure outlined below. In most circumstances, the individual seeking resolution (Complainant/Appellant) may first attempt to resolve the issue informally with the appropriate student, employee or department involved. The Director of Student Life and the Director of Human Resources are available to help mediate resolutions, to provide impartial advice and guidance on the process, and to discuss the issue.

It is important to note that degree programs with specific accreditation requirements, such as the Nursing, Radiography, Dental Hygiene, Occupational Therapy and Physical Therapy programs, student must follow the guidelines outlined in program handbooks prior to pursing this process.

1. If the issue cannot be resolved informally to the satisfaction of the parties involved, the student, employee or member of the public must present, a formal grievance in writing within 30 days of the incident/issue, and explanation of the situation to the appropriate Campus Judicial Officer. The Grievance and Appellate form, which is located in the College portal and the SFCC website, is the best option for reporting such grievances.

Grievance Process:

2. The written grievance should include the specific concern and a reference to the matter described in the bulleted items above. The burden of proof shall rest on the Complainant/Appellant, with the opportunity to present witnesses and other evidence in support of their position on the matter being considered. Such presentation of permissible evidence, witness testimony, etc., may be done electronically or during the course of an in-person administrative process. The Campus Judicial Officer is responsible for completing an impartial, prompt and thorough review of the issue. In all grievance investigations/reviews, the preponderance of evidence will be the evidentiary standard.
    a. The primary Campus Judicial Officer for any academic issues will be the respective academic Dean. In other grievances and appeals involving students, the primary Campus Judicial Officer will be the Dean of Student Services. In grievances and appeals involving members of the public, the appropriate Campus Judicial Officer will be determined and appointed by the Dean of Student Services. In circumstances where a predetermined Campus Judicial Officer has a conflict of interest or bias, a temporary, impartial Campus Judicial Officer will be appointed to review the grievance of appeal by the Vice President of Finance and Administration.
3. The Campus Judicial Officer will make a determination based on the evidence and thorough consultation with all parties involved within ten (10) business days of receiving the written grievance. The Campus Judicial Officer will then send notice to all parties of the outcome of the grievance through SFCC email, with specific information supporting the decision. Once emailed, the written notice of the decision will be presumptively delivered. Additionally, all parties will be advised of their rights to appeal the decision, the grounds for appeal, and the location at which the appeal form can be accessed.

For employees

If the issue cannot be resolved informally to the satisfaction of the parties involved, the employee must present a formal grievance/appeal in writing within 30 days of the incident/issue, and explanation of the situation. The Grievance and Appellate form, which is located in the College portal and the SFCC website, is the best option for reporting such documentation. All employee grievance/appeals will be reviewed and determinations by the CIRC.

Grievance and Appellate Process

Appeal Process:

The following appeal process is only intended for complaints and grievances from students, employees and members of the public that are not associated with discrimination, harassment or retaliation. Issues which have been adjudicated through the Nondiscrimination, Harassment and Retaliation Resolution Process are subject to the appeal structure outlined in Regulation 1211.

SFCC appeals are reviewed and final determinations made by the Campus Issue Resolution Committee ("CIRC"). The CIRC members will be appointed as needed by the College President and will include a full-time faculty member, full-time staff member, and an SFCC administrator:

- Each member of the CIRC will committee to serve a one-year term.
- If an appeal should arise that involves one of the CIRC members, or a member of the committee is unable to complete the one-year term, the College President will appoint a temporary substitute for that member.
- Appeals to the CIRC will be submitted on the Grievance and Appellate form, located on the College portal. The Executive Assistant to the Dean of Student Services will serve as the record-keeper and manage electronic communication, evidence access and deadlines for the CIRC.

If a student, employee or member of the public is not satisfied with the outcome of the compliant or grievance as determined by the Campus Judicial Officer, they can submit a formal written appeal using the Grievance and Appellate form within ten (10) business days of receipt of the emailed notification of the decision. During any appeal process, sanctions, supportive measures or any other actions implemented by the Campus Judicial Officer will remain in effect until the conclusion of the appellate process.

Grievance and Appellate Process

Appeals are limited to the following grounds:

1. A procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made.
3. The Campus Judicial Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome.
4. The decision is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only).
5. The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

The CIRC Chairperson will determine if the request meets the grounds for appeals. This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed. If the appeal does not provide information that meets the grounds for CIRC review, the request will be denied by the CIRC Chairperson, and the parties involved will be simultaneously notified of the denial and the rationale by SFCC-issued email or otherwise approved account. Once emailed, the Appeal Outcome will be presumptively delivered.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the CIRC Chairperson will notify all parties involved and provide them with the opportunity to submit a written response to any portion of the appeal that involves them. The period of time to provide response to the CIRC is five (5) business days. The CIRC Chairperson will forward all responses, if any, to all parties involved for review and comment.

The CIRC Chairperson will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with all CIRC members, who will render a decision in no more than ten (10) business days from receiving the final responses from the parties involved.

Grievance and Appellate Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to any sanction(s)/responsive action(s) only if there is a compelling justification to do so. An appeal is not an opportunity for the CIRC to substitute their judgment for that of the original Campus Judicial Officer merely because they disagree with the finding and/or sanction(s). All decisions are made by majority vote and apply the preponderance of the evidence standard.

An appeal may be granted or denied.

A Notice of Appeal Outcome letter will be sent to all parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the College is permitted to share under federal or state law. Written notification will be delivered by email to the Parties' SFCC-issued email or otherwise approved account. Once emailed, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final; further appeals are not permitted. When appeals result in no change to the finding or sanction, that original decision is final.

Other Recourse

Students, employees and members of the public may also report complaints or file grievances with the following external agencies:

Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

Missouri Department of Higher Education
& Workforce Development
301 W. High Street
P.O. Box 1469
Jefferson City, MO 65102-1469
Telephone: 573-751-2361
FAX: 573-751-6635
Email: Info@dhewd.mo.gov

Grievance and Appellate Process

Retaliation Notice

Retaliation against a person(s) who files a complaint, grievance or appeal, or persons who participate in the grievance and appellate processes is strictly prohibited and could result in sanctions under the applicable College policies. SFCC defines retaliation as any adverse action, including intimidation, threats, coercion, or discrimination against any person, by the College, a student, employee or a person authorized by the College to provide aid, benefit or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or SFCC policy, or because the person(s) has engaged in protected activity, including reporting information, making a complaint, testifying, assisting, or participating or refusing to participate in any manner in a formal resolution process, or in any other appropriate steps taken by the College to promptly and effectively address concerns in its education program or activity, prevent their recurrence, and remedy their effects.

(Approved 8/23/10; revised 02/18; revised 3/20; revised 07/16/24; revised 10/9/25)

GENERAL ADMINISTRATION **Regulation 1420**

Private, State and Federal Programs Administration

Private, State and Federal Grants

The grant process at State Fair Community College consists of five (5) phases:

- **Pre-Award** – The Pre-Award phase includes identifying funding need, searching for funding opportunities, application preparation and prior approvals, timeline development and submission. In the Pre-Award phase a Project Director and/or the Proposal Development Team will work with the Grants Office to craft the application.

- **Award** – When notice of award is received, the Project Director will review the notice of award package and seek institutional acceptance/board approval for the award. The Project Director will develop a project schedule, set up a grant award budget with the Business Office and submit a Grant Profile Form.

- **Grant Project Management** – The Project Director will follow terms and conditions of the award for draw down of funds, staffing, project changes/amendments and reporting requirements. The Project Director will complete and maintain an accessible file to list project duties, reporting dates, matching requirements, funding agency contacts, etc., to have on hand in the event the Project Director is absent for an extended period of time or leaves the institution for any reason.

- **Reporting** – Concurrently with Grant Project Management, the Project Director shall submit required reports with the assistance of other campus offices when needed.

- **Close-Out** – Close-out procedures for draw down of funds, financial reconciliation, equipment accountability and final reports will be completed by the Project Director as indicated by funding agency, state/federal regulations and institution regulations. It is the responsibility of the Project Director and SFCC to retain records for the required period of time in the event of project audit or review.

State Fair Community College, will adhere to the federal Office of Management and Budget (OMB) Circulars and additional guidance in administering funded projects. These OMB Circulars and guidance include:

- **OMB Circular A-21**, Cost Principles for Educational Institutions (05/10/2004)
- **OMB Circular A-110**; Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations (11/19/1993) (further amended 09/30/1999,
- **OMB Circular A-133**, Audits of States, Local Governments and Non-Profit Organizations (includes revisions published in the Federal Register 06/27/2003 and 06/26/2007)
- **2 CFR, Part 200 & 215**

(Approved 2/2/24; revised 6/6/24)

GENERAL ADMINISTRATION **Regulation 1430**
(Policy 1430)

Consumer Information

Compliance

The Dean of Student 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 Safety 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)

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 polices 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.

Executive Leadership Team

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 Academic and Student Success
C. Vice President for Finance and Administration
D. Dean of Academic Affairs
E. Dean of Student 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
G. Program Manager Legislative and Community

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; revised 5/22/25)

Table of Contents

College Council

Purpose

The College Council is comprised of elected representatives 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, to provide input on budget assumptions and priorities, and to ensure institutional effectiveness in all of the College's endeavors.

The College Council serves as a representative voice of all college constituencies and works collaboratively with the Executive Leadership Team to develop and achieve overarching strategies and policies for SFCC.

The Council may designate sub-committees to tackle and/or monitor specific initiatives with the purpose of revising or creating policies/regulation or to otherwise achieve its mission.

Mission

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

- Creation, revision, and endorsement of SFCC regulations, working collaboratively with the regulation owner and contact.
- Creation, revision, and endorsement of new or revised SFCC policies, working collaboratively with the policy owner and contact.
- Endorsement or revision of proposed budget assumptions/priorities.
- Endorsement or revision of the college's strategic plan.
- Monitoring of SFCC Report Card and Institutional Key Performance Indicators.
- Assigning actions to committees related to items listed above as related to the council's 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. Training and/or orientation of the newly organized council will be held annually.
   1.3. 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:
      - SGA President and Vice-President, or their appointed delegate
      - Chairs of Institutional Standing Committees, or their appointed delegate
      - Presidents of Faculty Association, PSA, and CSA, or their appointed delegate
      - One representative of extended locations
      - Four members at large, appointed by the president.
        - Appointments should ensure balance on the council and guarantee at least two representatives of faculty, professional staff, and classified staff in council membership.

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. Members unable to attend a meeting must send a proxy to represent his/her area. Methods of selecting alternates are at the discretion of represented groups. Proxies 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 quorum of two-thirds of members must be present for the College Council to conduct a formal vote.
2.6. Unless otherwise stated, approvals and recommendations take place as a simple majority vote made by the College Council members present.
2.7. Meetings will be open to college personnel and students. The Council will maintain rules governing input by guests.

3. Functions of the College Council

The President or her/his delegate prepare the meeting agenda pertaining to the following functions. Agenda and materials are then distributed to members at least one week before the meeting.
The agenda may contain the following items:
3.1. Performance Data – Data related to college performance in areas determined relevant by the Council and the President may be presented by pertinent departments, i.e. enrollment data or Report Card.
3.2. New and Revised Policy and Regulations – Members or subcommittees of the College Council, or an assignee, may present new or revised policies/regulations for the Council to consider. The owner and contact of the policies/regulations must be involved in the proposed revisions or development. Policy owners are strongly encouraged to include College Council in the policy review process.
3.3. Current Committee Report – Reports from standing committees that are deemed related to the College Council are given as needed.
3.4. Budget and Revisions – College Council will receive regular updates and provide feedback on budget assumptions, priorities, annual budget proposal and revisions.
3.5. Strategic and Integrated Planning – Strategic and integrated planning actions are to be considered by the council.
3.6. Committee or Team Assignments – Discussion of potential assignments to existing or new committees or teams related to the College Council mission is appropriate.
3.7. 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 mySFCC.

Committees and Work Groups

State Fair Community College values collaborative leadership and provides multiple opportunities for employee, and when appropriate, external stakeholder, involvement in councils and committees. This regulation defines types, purposes, and requirements of such groups.

Types of committees and work groups include:

- Institutional Standing Committees, defined as permanent working groups that have an on-going mission that impacts the institution as a whole. Membership should be inclusive of all constituencies, including faculty, staff, students and community members, as appropriate to the mission of the committee. While membership on a standing committee may change, the mission will remain constant.
- Advisory Boards, defined as groups of internal and external stakeholders that inform and guide programs or departments. Membership of advisory committees will be determined by the program or department.
- Operational Groups, defined as working groups whose membership is determined by job position in the college.
- Ad Hoc Committees, defined as temporary working groups that are project-specific. 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.

Institutional Standing Committees

Membership Requirements

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 insure stability and continuity of the committee. Vacancies on Institutional Standing Committees will be announced as they arise. Individuals interested in filling the vacancy should contact the committee chair. Student representatives may be recruited via the student government organization or student interest groups.

A list of Institutional 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 by December 1, annually.

Establishing an Institutional Standing Committee

To establish an institutional standing committee, proposed bylaws must be reviewed and endorsed by the Executive Leadership Team (ELT) or the College Council. This review determines if the proposed committee's purpose and scope meet the criteria for an Institutional Standing Committee. Proposals should be submitted using the provided template, which requires detailed information regarding:

- The committee's mission, clearly defining its purpose and scope.
- The committee's meeting frequency and scheduling procedures, as outlined in the bylaws.
- The committee's membership, term lengths, and attendance requirements for each position.

The review process may result in endorsement, rejection, or a recommendation to reclassify the group as a different type of work group. Once endorsed, committees are required to conduct an annual review of their bylaws to ensure ongoing consistency with their purpose and scope.

Committee Records

- Minutes: A record of actions of Standing Committees will be maintained in the format of meeting minutes deposited in the appropriate subfolder in the Councils and Committees folder on the U: drive. All SFCC employees will have Read-Only access to all folders in the repository. Each committee must appoint an editor to manage these records.
- Yearly Report: Committees will submit an annual activities summary using the designated template. These reports are due annually by June 30th and will be stored in the 'Councils and Committees' folder on the U: drive. The College Council will review these reports at their first meeting of the academic year.

Examples of Institutional Standing Committees

- Assessment Committee
- Curriculum Committee

Advisory Committees (also called Advisory Boards)

Establishing an Advisory Committee

Advisory Committees may be established by programs and departments as deemed necessary or expedient to the mission of that program or department. Impact of Advisory Committee actions shall not extend beyond the functioning of that department or division. Advisory Committees may make recommendations for action or policy changes that impact the college as a whole, but such changes must follow approval procedures prescribed in policy and regulation.

Records Requirements

Advisory Committees shall post minutes or informational notes in the Councils and Committees folder on the U: drive, unless confidentiality precludes public access. All SFCC employees will have Read-Only access to all folders in the repository. Each group must appoint an editor to manage these records.

Examples of Advisory Committees

- Health Information Tech Advisory Board
- Human Resources Advisory Committee

Operational Groups

Establishing an Operational Group

Operational Groups are established by leadership and participation is determined by job position. In many instances, supervisors will establish operational groups consisting of their direct reports and/or other campus personnel in order to facilitate communication and coordinate team efforts.

Records Requirements

Operational Groups are encouraged to post minutes or informational notes in the Councils and Committees folder on the U: drive, unless confidentiality precludes public access. All SFCC employees will have Read-Only access to all folders in the repository. Each group must appoint an editor to manage these records

Examples of Operational Groups

- Enrollment Management Team
- ASSET

Ad Hoc Committees

Establishing an Ad Hoc 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.

Records Requirements

Ad Hoc committees shall post minutes or informational notes in the Councils and Committees folder on the U: drive, unless confidentiality precludes public access. All SFCC employees will have Read-Only access to all folders in the repository. Each committee must appoint an editor to manage these records.

Exception: Hiring Committees, while Ad Hoc in nature, shall follow guidelines outlined in the Hiring Manual.

Examples of Ad Hoc Committees

- Project Teams
- Graduation/Commencement Committee