

2018 Flint Hills Technical College Campus Security Report 2017 Calendar Year

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

LyonCounty operates Crimestoppers – a confidential and anonymous reporting system available to anyone who elects to report crimes or suspicious activity.

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

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

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

The purpose of this report is to provide our faculty, staff, and students with campus safety information including crime statistics and procedures to follow to report a crime. The report is prepared by the Student Success Center, under the direction of the Vice President of Student Services and is electronically available at www.fhtc.edu. Requests for printed copies and any questions regarding this report should be directed to the Student Success Center, telephone 620-343-4600 or e-mail lkirmer@fhtc.edu.

General Security Information

Flint Hills Technical College enrolls approximately 1,300 students and employs 120 faculty and staff members. There are four buildings on the main campus at 3301 West 18th Avenue, in Emporia—the main building, the technology building, the construction technology building and the Jones Education Center. During 2017, FHTC also had three off-campus facilities located at 215 West 6th, 3701 West 6th Avenue, and our Adult Education Center at 620 Constitution. FHTC also had a location in Lawrence at 2920 Haskell.

Access to campus facilities policy

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

Reporting suspicious activity or criminal activity

To report any violations of this policy; to report suspicious persons or report criminal activity on campus contact the **Vice President of Student Services, Lisa Kirmer, at 620-341-1325** immediately, or one of the offices listed below:

- Dean of Enrollment Management, Brenda Carmichael-620-341-1338
- President's Office, Dean Hollenbeck-620-341-1305
- Vice President of Instructional Services Office, Steve Loewen-620-341-1361
- Newman Memorial Hospital 620-343-6800
- Emporia Police Department 620-342-1766
- Lyon County Sheriff's Department 620-342-5545
- Lawrence Police Department 785-830-7400

Campus Security

Although Flint Hills Technical College does not have a police or security officer at any of the locations, the administration of the College work closely, when necessary, with the Emporia and Lawrence Police Departments. Campus safety and security are coordinated by the College administration with the Emporia Police Department and Lyon County Sheriff's Department. The investigation of crimes committed on campus falls under the jurisdiction of the Emporia Police Department in collaboration with the Lyon County Sheriff's Department and the District Attorney's Office. The Emporia Police Department will promptly investigate allegations of unlawful discrimination based on age, race, color, religion, sex, marital status, national origin, physical handicap or disability, status as a Vietnam veteran or sexual orientation. Allegations of unlawful discrimination can first be discussed with the Vice President of Student Services.

Registered Sex Offender Information

The federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide to appropriate county and state officials notice of each institution of higher education in that state at which the offender is a student. In accordance with Kansas State Statute 22-4904 ("Registration of Offender"), convicted sex offenders in Kansas must register with the county sheriff within 3 days of establishing permanent or temporary residence. The Kansas Bureau of Investigation makes information concerning the presence of registered sexual offenders available to local law enforcement officials and the public. It is then the responsibility of the county sheriff or the municipal police chief to make required notification to all community members of the presence of registered offenders in a manner deemed appropriate by the sheriff or police chief. It is the responsibility of the county sheriff to notify institutions if an offender or predator is enrolled, employed or carrying on a vocation at the college. Any member of the FHTC community who wishes to obtain further information regarding sexual offenders on campus may refer to the [KBI website searchable database](#). The KBI searchable database may be used to find all registered sex offenders in any city, county or ZIP code in the state. A list of registered sex offenders is also maintained in the Office of the Vice President of Student Services on the main campus.

Campus facilities and grounds

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

Crime Prevention Education and Awareness

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

Emergency Messages Delivered

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

Timely Warnings

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

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Information Technology staff may also post a notice on the campus-wide televisions and on the FHTC website at www.fhtc.edu. A copy of the notice may also be posted on the entrances to each building. The website is immediately accessible via computer by all faculty, staff and students. Anyone with information warranting a timely warning should report the circumstances to an administrator at FHTC including Lisa Kirmer, Vice-President of Student Services at 620-341-1325 or lkirmer@fhtc.edu, Steve Loewen, Vice-President of Instructional Services at 620-341-1361 or sloewen@fhtc.edu or Dr. Dean Hollenbeck, President at 620-341-1306 or dhollenbeck@fhtc.edu.

Security Policies

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

Dismissal of Students and Staff during a Crisis

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

Building Evacuation Plan

Evacuation of FHTC buildings and/or premises may be required in the event of, or suspicion of: armed assailant; bomb threat; explosion threat; fire threat; interior chemical contamination; natural gas leak threat or riot threat. Evacuation will be signaled by sounding of the FHTC fire alarm and/or by telephone except in the case of a natural gas leak threat. In the case of a natural gas leak threat, do not pull the fire alarm or utilize the telephone. Students and visitors will be notified that evacuation is required. Move quickly and safely out of the designated exit for your room to the designated safe area (as indicated on the Evacuation Plan map outside of every classroom/lab/office).

Building Lockdown during a Crisis

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

Building Shelter Plan

Taking shelter in FHTC buildings and /or premises may be required in the event of or suspicion of a civil defense threat; exterior chemical contamination or severe weather threat. A shelter area is located in the Main Building in the Division of Health and in the Technology Building in the West hallway. The need to take shelter may be signaled by the sounding of the Emporia civil defense sirens and/or telephone.

Crisis Management Committee

A committee comprised of administration, faculty, and staff meet annually to discuss the College's Crisis Management Plan. The plan provides detailed information to faculty and staff regarding procedures in a variety of crisis.

Crime Prevention Tips

Being safe on campus is a community responsibility. Faculty, staff, students and visitors are reminded and encouraged to be aware of their surroundings and report any suspicious activity to Emporia Police Department and the Vice President of Student Services immediately.

To prevent theft and protect personal safety:

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

Policy Information:

Security Policies

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

Weapons

Weapons (excluding carry concealed handguns) are not allowed at any campus site. A student shall not knowingly possess, handle or transmit any object that can reasonably be considered a weapon:

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

Violation of this policy shall result in the student being reported to the appropriate law enforcement officials, and suspended or expelled.

Carry Concealed Handguns (CCH) and Open Carry Handguns

Flint Hills Technical College (FHTC) seeks to maintain a safe and secure environment in which to conduct educational, research and training activities.

Carry Concealed Handgun (CCH) is a handgun that a person who is not prohibited from possessing a firearm, under either federal or state law, may carry in a concealed fashion, except where as prohibited in certain locations as detailed in state law (KSA 75-7c10) and by any applicable federal law. CCH laws refer to firearms defined as handguns, (NOT Rifles or SBR's) that meet the states requirements (Pistols and/or revolvers).

The display or "open carry" of any handgun is **strictly prohibited** by college policy with the exception of in defense on one's self or an immediate third person as stated above. Display is

defined as the intentional showing, presenting, exhibiting and/or drawing of a handgun from a position of concealment on one's person. Other than for authorized security and/or law enforcement, no handguns or firearms shall be openly carried on any college property or at college events.

On July 1st, 2017, CCH became legal on Flint Hills Technical College property, in accordance with State and Federal Laws. CCH individuals who carry a handgun on campus must carry it on or about their person at all times or secure their handgun in a locked, privately-owned or leased motor vehicle. A CCH individual may not carry a partially or wholly visible handgun on campus premises or on any college driveway, street, sidewalk or walkway, parking lot, or other parking area.

CCH individuals who carry a handgun on campus must carry it in a holster that completely covers the trigger and the entire trigger guard area. The holster must have sufficient tension on the handgun to retain it in the holster. Any person may be held responsible to disciplinary action including but not limited to dismissal from the college and/or criminal prosecution for:

1. Intentionally displaying a concealed handgun without cause or reason
2. Possession of a handgun under the influence of alcohol or mind altering drugs
3. Leaving or storing, intentionally or unintentionally, a firearm in a location not authorized by this policy
4. Accidental or unintentional discharge of a firearm on college property
5. Threatening or verbalizing, even in jest, to shoot another person with a concealed handgun (other than in self-defense)

Flint Hills Technical College will not maintain a list of concealed carry license holders. This information is not a matter of public record. Flint Hills Technical College employees may not, under any circumstances, require students or other employees to disclose their concealed carry license status. Students and guests are also prohibited from storing a firearm on college property other than in a secured compartment in their vehicle. Persons who chose to store their weapons in their vehicles are encouraged to do so in a concealed manner in compliance with local, State and Federal laws, preferably in a locked compartment inside their vehicle. It is also advisable not to disclose the presence of said weapon to anyone other than authorities if asked.

Anyone, whether authorized by statute or not, CCH on property under FHTC control assumes all legal responsibility for any consequences arising therefrom, and agrees to hold FHTC and USD 253, their boards, administrators, instructors, employees and agents harmless for any claims, including but not limited to the cost of defense, any damages assessed, and further agrees to subrogate FHTC and USD 253 for all expenses or costs incurred as a result of their CCH. Any person(s) found to violate this policy may have their firearm seized and secured by college security and /or law enforcement and will be subject to all appropriate penalties under college policy and applicable local and state laws. Severity of offense dictates severity of penalty, including, but not limited to suspension/expulsion, termination of employment, immediate removal from premises/pressing charges for criminal trespass, or referral to law enforcement. Flint Hills Technical College reserves the right to change, modify or adapt this policy at any time for the safety of its students and staff.

Searches of College Property

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

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

Campus Crime Reporting Policies and Procedures

If the police department needs to be contacted, students and staff should notify a college administrator or faculty member. Students can contact Lisa Kirmer, the Vice President of Student Services, at 620-341-1325, the Dean of Enrollment Management, Brenda Carmichael, at 620-341-1338, the President's Office, Dean Hollenbeck, at 620-341-1305 or the Vice President of Instructional Services, Steve Loewen, at 620-341-1361. The administrator will place the call to the proper authorities. In emergency situations, the Emporia area is served by the 911 telephone number for ambulance, fire and police. Report any suspicious acts, criminal actions or other emergencies immediately to a college administrator. Let them investigate. If requested, the name of the student or staff member reporting the criminal offense will be kept confidential. Don't assume the college already has all of the information needed, or that you might be misinterpreting what you see. The college needs and appreciates your assistance in preventing crime.

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

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

Students and employees also have the option of reporting a crime or concern anonymously through the STOPit app, a technology platform that will help mitigate, deter, and control harmful and inappropriate behavior as well as help create a positive and safe learning environment for our campus community. STOPit will be an integral part of our effort to deter and mitigate risks associated with sexual harassment and assault, Title IX, the Clery Act, hazing, violence, and

other threats to student safety. The app is available to all students and employees for free and can be found on the App Store or Google Play. The code is FHTC.

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

Crime Reporting Activities

The Crime Awareness and Campus Security Act of 1990, regulation 34 CFR 668.46(c)(1) states an institution must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority. Reports of crime in or on a non-campus building or property or on public property include reported crimes involving Flint Hills Technical College students or staff that occur during a FHTC event or activity outside of the college premises. If crimes are reported in or on non-campus buildings or property or on public property, a geographic breakdown of the statistics reported will be provided in the annual Campus Security Report. The annual statistical information includes crimes reported on the FHTC main campus (1) 3301 West 18th Avenue; and at the following Emporia extension locations: (2) 620 Constitution Street; (3) 3701 West 6th Avenue and (4) 215 West 6th Avenue. The report also contains information for crimes reported at one additional extension location including: (1) 2920 Haskell Avenue, Lawrence, KS.

Statistical Data of Crime on Campus

Procedures used for collecting, compiling and reporting crime statistics

Information about Clery crimes is compiled from statistics obtained from reports filed with the Vice President of Student Services, Emporia Police Department or Lyon County Sheriff's office, and the Lawrence Police Department.

Counting and classifying crimes

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

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

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

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

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

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

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

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

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

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

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

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

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

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

- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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

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

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

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

Liquor law violations are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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

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

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

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

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

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes: There were no reported Hate Crimes for the years 2015, 2016 or 2017.

Unfounded Crimes: A crime is considered unfounded for *Clery Act* purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. There were no unfounded crimes for the years 2015, 2016 or 2017.

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

EQUAL OPPORTUNITY, HARASSMENT AND NON-DISCRIMINATION

SEXUAL VIOLENCE /SEXUAL MISCONDUCT

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

Sexual assault, as defined for purposes of this policy and procedure, is a crime. Degrees of sexual assault range from unwanted or coercive sexual contact to forced or coerced sexual penetration (Kansas State Statutes: 21-3517 and 21-3518). Acts of sexual assault are not tolerated at FHTC.

A victim/survivor of a sexual assault has the right to pursue legal proceedings against any alleged offender through criminal and/or civil court. A victim/survivor of a sexual assault has the right to pursue disciplinary action through FHTC in accordance with the Student Conduct Policy and the Suspension and Expulsion Policies and Procedures. This can include expulsion from FHTC and/or criminal prosecution. In the event the alleged assailant is an employee of FHTC, that employee, if found to have perpetrated such acts, will be subject to disciplinary actions which could include termination and/or criminal prosecution.

DEFINITION OF SEXUAL ASSAULT

Sexual contact without consent is sexual assault. Outside of rape, sexual contact is outlined as

touching, fondling, or grazing another person's genitals or breasts without acquiring consent. Sexual contact is also considered touching, fondling, or grazing any part of another individual's body with your own genitals or breasts without consent. Consent constitutes a fully functional adult giving approval for sexual contact. Coercion, intimidation, or forcing sexual contact is not consensual and is considered sexual assault.

WHAT CONSTITUTES SEXUAL ASSAULT

Forced:

1. If an individual forcibly touches your genitals, your breasts, or rear-end even after you said, "No," that is sexual assault.
2. The same is true of sexual intercourse or penetration of any form.
3. If you did not give consent, it is sexual assault.
4. If weapons such as guns or knives are used in rape and/or sexual contact.
5. If your attacker has a partner, who aids them in raping you or achieving sexual contact.
6. If you are drugged via alcohol or in any other way rendered unconscious prior to a sexual assault or any other unwanted sexual contact.

Coercion: If an individual in authority claims he/ she will take actions against you unless you allow unwanted sexual contact or sexual intercourse. For instance, a teacher threatens or implies to threaten to fail you in their class or give you a bad grade unless you have sexual intercourse with them or allow them to touch you in a sexual manner. Individuals in authority include but are not limited to: employers, parent(s), teachers, law enforcement officers and doctors.

Intimidation: Intimidation is the act in which one individual instills fear in another individual or group. Individuals known to intimidate include: bosses, law enforcement officers, and even individuals you may feel are your friends. Sexual assailants often use intimidation to achieve sexual contact or sexual intercourse with their victims. Some intimidating threats used by these offenders include but are not limited to:

1. Threatening bodily harm or death of you or persons close to you.
2. Release of personal information or photographs that may harm you mentally or emotionally.
3. Release of false information that may result in job loss or other occurrences detrimental to your livelihood.

ANTI-HARASSMENT / SEXUAL VIOLENCE - STUDENTS AND EMPLOYEES

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

Flint Hills Technical College expressly forbids harassment of students and employees because of age, race, creed, gender, color, religion, ancestry, disability, medical condition, sexual orientation, national origin, veteran status, political affiliation, marital status, status with regard to public assistance or other protected group status. Flint Hills Technical College will not tolerate harassing conduct that negatively affects a person's employment status or student's grades, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working or classroom environment. Further, no person in any of these groups will be

denied the benefits, or be subjected to discrimination under any program or activity, or in regard to any employment procedures or practices. All employees and students should clearly understand that, even in mild forms, harassment or sexual violence may carry penalties up to and including termination or expulsion.

SEXUAL HARASSMENT AS SEXUAL ASSAULT

1. Threats to sexually contact another individual.
2. Using suggestive language in a sexual nature.
3. The display of pornographic, suggestive, or other sexually explicit pictures or materials.
4. Usage of degrading language such as referring to a person with whom you are not romantically involved as “Babe” or other inappropriate names.
5. Offering favors in exchange for sexual activity including that which is consensual.

REPORTING SEXUAL ASSAULT

FHTC strongly encourages persons who have been sexually assaulted to report the assault, to seek assistance, and to pursue judicial action for their own protection and that of the entire campus community. When conducting the investigation, the College’s primary focus will be on addressing the sexual assault and not on other College policy violations that may be discovered or disclosed. Anyone who has been sexually assaulted may choose to pursue both criminal prosecution and made apprised of College disciplinary processes. To preserve evidence for the option of pursuing criminal prosecution or College internal disciplinary processes, a person should report the sexual assault to the College and/or the local police. However, the College recognizes that a person who has been sexually assaulted retains the right not to pursue either criminal prosecution or a College disciplinary hearing. Choosing not to pursue College or criminal action, however, does not remove the responsibility of the College to investigate and/or take action.

Anonymous Reporting: The College recognizes that a person who has been sexually assaulted may choose not to report the crime to a limited confidential source or a privileged source. In those situations, the College allows an individual who has been sexually assaulted to file an anonymous report which allows the reporting person time to decide what course of action they want to take and also allows the crime to be counted in the campus crime statistics. Please note that even with anonymous reports, the College has an obligation to investigate; however, anonymous reporting may limit the ability to conduct an effective investigation.

Timely Reporting/Crisis Assistance: The College supports and encourages anyone who has been sexually assaulted to report the incident to the reporting source of their choice. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response. However, those who delay reporting can report the incident at any time, understanding that this may rule out the collection of physical evidence.

RESPONSIBILITY OF CONFIDENTIALITY

When a report of sexual assault is made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be notified of the College’s expectation of confidentiality. Breaches of confidentiality or retaliation against: the person bringing the report; any person assisting with the investigation; or the person or individuals being charged with the report;

will result in disciplinary review. The College will make all reasonable efforts to maintain the confidentiality of parties involved in sexual assault investigations.

MEDICAL CARE/EMERGENCY ROOM EXAMINATION

Any person who has been sexually assaulted may go directly to the emergency room of any local hospital for medical attention. An individual who has been sexually assaulted is urged to seek medical evaluation as soon as possible. Newman Regional Health is the hospital located in Emporia at 1201 West 12th Avenue. No information will be disseminated between the hospital and College.

ANTI -STALKING POLICY

In order to ensure that college students and employees are provided healthy education and work environments, Flint Hills Technical College (FHTC) is determined to provide a campus atmosphere free of violence for all members of the campus community. For this reason, FHTC does not tolerate stalking and will pursue the perpetrators of such acts to the fullest extent possible. FHTC is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies equally to all members of FHTC's community: students, faculty, staff, contract employees, volunteers, and campus visitors.

Stalking incidents are occurring at an alarming rate on the nation's college campuses. It is a crime that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and sexual identity. It is a crime that can affect every aspect of a victim's life. Stalking often begins with phone calls, emails, social networking posts and/or letters and can sometimes escalate to violence.

Stalking is a crime in Kansas and is subject to criminal prosecution. Students perpetrating such acts of violence will be subject to disciplinary action. This can include expulsion from FHTC and/or criminal prosecution simultaneously.

DEFINITION OF STALKING

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Course of conduct is defined as "a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct."

STALKING BEHAVIORS

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are undesired and place another person in fear.
- Use of online, electronic, or digital technologies, including:
- Posting of pictures or information in chat rooms or on Web sites
- Sending unwanted/unsolicited email or talk requests
- Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
- Installing spyware on a victim's computer

- Using Global Positioning Systems (GPS) to monitor a victim
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Surveillance or other types of observation including staring, “peeping”
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, and/or co-workers
- Threats to harm self or others
- Defamation – lying to others about the victim

REPORTING STALKING

FHTC encourages reporting of stalking incidents to law enforcement authorities. The College respects that whether or not to report to the police is a decision that the victim needs to make. The Vice President of Student Services, Dean of Enrollment Management and Academic Advisor/Counselor, and Director of Human Resources are available to inform victims of the reporting procedures and offer appropriate referrals. Victims of stalking choosing to pursue the reporting process have the right to assistance or consultation of an advocate. FHTC offers services to victims even if they choose not to report the incidents. The Vice President of Student Services or Director of Human Resources provides referrals, advocacy, and information for victims in a safe, supportive, and confidential setting. In some circumstances, a victim may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator. Victims may also seek restriction of access to the College by non-students or non-employees in certain circumstances.

Reporting Options:

- Filing a criminal report with law enforcement authorities
- Filing a college report or report of Student Conduct violations
- Filing a confidential or anonymous report
- Filing a third-party report

In certain instances, FHTC may need to report an incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, it is crucial in these circumstances to consult with the Vice President of Student Services, the Director of Human Resources or another administrator, since reporting may compromise the safety of the victim. Personal safety concerns are often very important for stalking victims. Crisis intervention and victim safety concerns will take precedence.

SAFETY FOR VICTIMS OF STALKING

FHTC is committed to supporting victims of stalking by providing the necessary safety and support services. Student victims of stalking are entitled to reasonable accommodations. Due to the complex nature of this problem, the student victim may need additional assistance in obtaining one or more of the following areas:

- No-contact order
- Services of a student victim advocate
- Witness impact statement
- Change in an academic schedule
- The imposition of an interim suspension on the accused
- The provision of resources for medical and/or psychological support

For assistance obtaining these safety accommodations, please contact the Vice President of Student Services or Director of Human Resources. If safety is an immediate concern, encourage the victim to contact local law enforcement.

STALKING VICTIM RIGHTS

Students on our campus have the right to live free of behaviors that interfere with students attaining their educational goals. Students who report stalking have the right to:

- Treatment with dignity and respect, not subjected to biased attitudes or judgments
- Not having past and irrelevant conduct discussed during any resulting proceedings
- Changes in academic programming, if deemed appropriate by FHTC administration
- All support services regardless of the choice to file a school or criminal report
- Submission of a written account of the incident and a victim-impact statement
- Having a person of choice, including legal counsel or an advocate, present throughout the proceedings
- Having one's identity protected
- Victims can request immediate transfer of classes, subject to administration's approval and availability, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant. The College will make reasonable efforts to accommodate such requests.

RIGHTS OF ACCUSED

Students accused of stalking behaviors have rights on this campus. Those include:

- The right to know the nature and source of the evidence used in the hearing process
- The right to present witnesses and material evidence relevant to the case
- The right to an advocate or attorney to aid in the preparation and presentation of the case
- Referrals to community resources when appropriate.

DATING VIOLENCE POLICY

A primary concern of the Flint Hills Technical College (FHTC) is the health and well-being of each student; therefore, FHTC is committed to creating a community that is free from acts of Dating Violence. Not unlike Domestic Violence, Dating Violence is controlling, abusive and aggressive behavior in a romantic relationship. It occurs in both heterosexual and homosexual relationships and can include verbal, emotional, physical, or sexual abuse, or a combination of these. Abusive partners may use a combination of the following tactics to control, manipulate and abuse a partner:

- Physical – Hitting, pinching, shoving, restraining, destroying property, choking, threats of harm
- Sexual – rape, sexual abuse, or any coercion or manipulation of a partner to engage in sexual

behaviors

- Emotional – insults, name-calling, yelling, threats, stalking, extreme jealousy, humiliating a partner in public or private, isolating a partner from friends or family, threatening to “out” a partner who is gay, lesbian or transgender, making someone account for their time, threats to harm themselves

Dating abuse occurs in all socioeconomic, racial, ethnic and religious groups.

DATING VIOLENCE-FHTC POLICY AND KANSAS LAW

Kansas has laws against Dating Violence behaviors such as sexual assault, domestic violence, and stalking. However, the specific term “dating violence” is not used specifically in these laws. Any and all forms of “Dating Violence” will not be tolerated on FHTC’s properties or at FHTC events. Any reported will be addressed by the Vice President of Student Services or Director of Human Resources within 48 hours, if feasible. A determination will be made on a case by case basis as it pertains to whether the incident of Dating Violence falls under current FHTC Sexual Assault, Domestic Violence or Anti-Stalking policies. The appropriate criteria of those policies will be the basis of the review and investigation of Dating Violence incidents.

DOMESTIC VIOLENCE POLICY

Flint Hills Technical College (FHTC) will respond effectively to the needs of victims of domestic violence and take appropriate actions to keep students and employees safe from domestic violence related incidents to the fullest extent possible without violating any applicable rules, regulations, statutory requirements, and/or contractual obligations. FHTC will investigate an act(s) of domestic violence occurring on the campus, whether or not an official report has been received. The Vice President of Student Services, Dean of Enrollment Management, Academic Advisor/Counselor, Director of Human Resources, and local agencies are available to support those in need of assistance concerning domestic violence.

WORKPLACE SAFETY PLANS

In accordance with applicable policies and procedures, FHTC will:

- Make students and/or employees aware of their options and available resources
- Help students and/or employees safeguard each other
- Encourage student and/or employees to report domestic violence to designated officials.

The Vice President of Student Services is the designated liaison between the college and all available outside resources jurisdictionally, with the Director of Human Resources playing an active role in community resources. FHTC maintains emergency response procedures for contacting law enforcement agencies when appropriate, and provides students and/or employees with clear instruction on the steps to take if students or employees observe anyone engaging in threatening behavior. The Vice President of Student Services or Director of Human Resources will discuss the limitations on confidentiality under Kansas law with victims of domestic violence. To protect all students, employees, and the victim, the college will take actions to assist in mitigating the reoccurrence of domestic violence on campus. Assistance may include, but is not limited to:

- Advising faculty (if an employee, their coworkers) and others as applicable on a need-to-know basis (i.e. Deans/Department Heads and/ or administration) of the situation

- Temporarily relocating the victim to a secure area (if possible)
- Providing options for voluntary transfer or permanent relocation to a new campus or work site (if feasible)
- Escorts for entry to and exit from the building and campus
- Permitting a change of class and/or work schedule (if possible)
- Maintaining a copy of the abusers image and/or a copy of any existing court orders of protection in a confidential on-site location.

The college may address any additional concerns raised by a situation in which both the victim and offender are either enrolled or employed at the college.

CONFIDENTIALITY OF INFORMATION

Information related to a student and/or employee being a victim of domestic violence will be kept confidential except when dictated by law, FHTC policy, or when necessary to protect the safety of the campus population.

- Reported information is kept private to the extent possible by federal and state law, and college policy, however Kansas law includes clear limitations on legal confidentiality.
- Confidentiality exists in certain instances for medical personnel, counselors, social workers, clergy, attorneys, and rape crisis counselors, but information may be required to be released through a subpoena or court order.
- Information reported to anyone not in one of the above named positions may have to be disclosed when required by law or pursuant to a subpoena.
- When medical information is received from a student and/or employee who is the victim of domestic violence, such medical information will be kept confidential to the extent permitted and required by law including, but not limited to, the Americans with Disabilities Act and the Family and Medical Leave Act.
- When it is determined that maintaining confidentiality puts the victim or other students and employees at risk of physical harm, those individuals deemed necessary to protect the safety of the victim and other employees, or to enforce an order of protection, will be given the minimum amount of information required. When possible, the college will provide the victim of domestic violence with notice of the intent to provide information to other employees and/or law enforcement.
- Some examples of situations where confidentiality cannot be maintained include:
 - Law Enforcement officials investigating a report of domestic violence or incident that occurred on the campus will be provided relevant information in accordance with legal requirements when requested.
 - Faculty or administration, and first responders may be informed about a report of domestic violence or incident that occurs on campus, if it is necessary to protect the safety of the student and/or employee or other individuals on campus.

HARASSMENT AND DISCRIMINATION

Flint Hills Technical College seeks to create an atmosphere that recognizes and protects an environment of tolerance for all members of the college community. Federal law and college policy protect a number of groups from unlawful discrimination. The College makes all decisions with

reference to employment status and student status without regard to age, race, color, religion, gender, marital status, national origin, disability status, veteran status, sexual orientation, or any other factors which cannot lawfully be considered, to the extent specified by applicable federal and state laws.

Moreover, the college regards inappropriate behavior, unfair treatment, or harassment of any individual to be inconsistent with its goal to provide an environment in which students, faculty, unclassified professionals, classified employees, and other members of the college community can develop intellectually, professionally, personally, and socially. These policies and procedures extend to all College personnel operating in a College-sanctioned capacity, both on and off campus.

- Age Discrimination Act of 1975, Age Discrimination in Employment Act of 1967
- Title VI and VII of the Civil Rights Act of 1964
- Title VI and VII of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964, Equal Pay Act of 1963, Pregnancy Act of 1978, Title IX of Education Amendments of 1972
- FHTC Non-Discrimination Policy
- Title VI and VII of the Civil Rights Act of 1964
- American with Disabilities Act of 1990, Sections 503 and 504 of the Rehabilitation Act of 1973
- Vietnam Era Veteran's Readjustment Act of 1974, Uniform Services Adjustment and Re-Adjustment Act of 1994

EXPLANATIONS

The Age Discrimination in Employment Act of 1967 prohibits discrimination against individuals who are at least 40 years of age. Discrimination is prohibited in all terms and conditions of employment including: hiring, firing, compensation, job assignments, shift assignments, discipline, and promotions.

Age is also addressed in the Age Discrimination Act of 1975. Under this act no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Employment discrimination based on race, color, religion, sex, or national origin is prohibited under Title VII of the Civil Rights Act of 1964. It is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment.

Under Title VI of the Civil Rights Act of 1964 no person on the basis of race, color, or national origin be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Equal Pay Act of 1963 prohibits discrimination on the basis of sex in the payment of wages or benefits, where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions.

The Pregnancy Discrimination Act of 1978 is an amendment to Title VII of the Civil Rights Act of 1964. Therefore, discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated the same as other applicants or employees with similar abilities or limitations.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex. Individuals cannot, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Americans with Disabilities Act of 1990 prohibits an employer from discriminating against a qualified applicant or employee because of his/her disability. To be protected individuals need to be qualified and able to perform the job with or without reasonable accommodations from the employer. Discrimination based on disability in any program or activity receiving Federal financial assistance is prohibited under Sections 503 and 504 of the Rehabilitation Act of 1973.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 prohibits discrimination based on veteran status in federally assisted programs and it requires affirmative action to employ and advance in employment of veterans. Veterans protected by this act are Vietnam era veterans, special disabled veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that is illegal under Title VII of the Civil Rights Act of 1964 for employees, under Title IX of the Education Amendments of 1972 for students, and under Kansas Law. Retaliation against an individual for making a report of sexual harassment is also considered to be sex discrimination and is therefore likewise illegal. No member of the college community shall engage in sexual harassment. For the purposes of this policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, explicitly or implicitly, a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions which affect that individual;
3. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment; or
4. Such conduct is not legitimately related to the subject matter of a course.

Sexual harassment encompasses any sexual attention that is unwanted. Examples of verbal or physical conduct that is prohibited include, but are not limited to:

- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- Direct propositions of a sexual nature;

- A pattern of conduct causing discomfort, intimidation and/or humiliation that includes one or more of the following: comments or gestures of a sexual nature; sexually explicit statements, questions, jokes, or anecdotes;
- Unnecessary touching, patting, hugging, or brushing against a person's body;
- Remarks of a sexual nature about a person's clothing or body; or
- Remarks about sexual activity or speculations about previous sexual experience.

RACIAL AND/OR ETHNIC HARASSMENT

Racial and/or ethnic harassment is a form of discrimination that is illegal under Title VII of Civil Rights Act of 1964. No member of the college community shall engage in racial or ethnic harassment. Retaliation against an individual for making a report of racial and/or ethnic harassment will be treated as a violation of the racial and/or ethnic harassment policy. For the purpose of this policy, racial and/or ethnic harassment is defined as ethnic slurs and other verbal or physical conduct to race, ethnicity, or racial affiliation that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work or academic environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance, academic performance, living environment, if residing in College housing, or participation in any college-sponsored activity;
3. Otherwise adversely affects an individual's academic or employment opportunities; or
4. Is not legitimately related to the subject matter of a course.

Racial and/or ethnic harassment may be blatant or subtle. Examples of the conduct that is prohibited include, but are not limited to:

- Derogatory name calling or language based on cultural stereotypes;
- Incidents or behaviors which are derogatory to a racial or ethnic group; or
- Repeated ignoring or excluding of one's presence or existence in a College setting.

OTHER HARASSMENT

No member of the college community shall engage in harassment on the basis of age, color, religion, marital status, national origin, disability status, veteran status, sexual orientation, or on any other factor that violates state or federal discrimination law. For the purposes of this policy, such aforementioned harassment is defined as unwelcome verbal and/or physical conduct which:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work or academic environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance, academic performance, or participation in any college-sponsored activity;
3. Otherwise adversely affects an individual's academic or employment opportunities; or,
4. Is not legitimately related to the subject matter of a course.

SEXUAL EXPLOITATION

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of

Sexual Harassment, Non-Consensual Sexual Intercourse or Nonconsensual Sexual Contact.
Examples of sexual exploitation include, but are not limited to:

1. Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person observed)
2. Taking pictures or video or audio recording another in a sexual act, or in any other private 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)
3. Prostitution
4. Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent

CONSENT

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain 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.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

One's own intoxication/incapacity is not an excuse for failure to recognize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

BULLYING

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

PREGNANCY POLICY

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

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

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

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

GRIEVANCE PROCEDURES FOR FACULTY, STAFF, AND STUDENTS

RESPONSIBLE EMPLOYEES

Any employee of Flint Hills Technical College who a student could reasonably believe to have the authority or duty to take action to address sexual violence excluding any employee bound by privilege and confidential relationships, such as licensed counselors or legal counsel. An employee who has been given the duty of reporting incidents of sexual violence or any other misconduct by students, faculty, staff, and others to the Title IX Coordinator or other appropriate school designee.

Flint Hills Technical College will act on any formal or informal grievance or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX Coordinator or Deputy Coordinators.

The procedures described below will apply to all grievances involving students, staff or faculty members. Redress and requests for responsive actions for grievances brought involving non-members of the community are also covered by these procedures.

TITLE IX COORDINATOR and DEPUTY

The Title IX Coordinator is Lisa Kirmer, Vice-President of Student Services. She can be reached at 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1325,

lkirmer@fhct.edu. The Title IX Deputy is Jacinda Kahle, Director of Human Resources. She can be reached at 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1384,

jkahle@fhct.edu. The Title IX Coordinator is responsible for the following:

- Prepare and disseminate educational materials that inform members of the campus community of Title IX rights and responsibilities;
- Coordinate training for employees and students;
- Receive and process inquiries from students, employees, guests, visitors, and other third parties regarding rights and responsibilities concerning behavior or suspicion of behavior in violation of Title IX;

- Issue findings of fact and recommendations for disposition of reports/complaints and notifies all parties regarding disposition;
- Investigate alleged discrimination and/or harassment;
- Conduct institutional monitoring;
- Ensure compliance with state and federal law and regulations;
- Provide ongoing consultation to the President and other College officials

AFFIRMATIVE ACTION OFFICER

While the Affirmative Action Officer is available to assist in the report process, he/she is not permitted to be an advocate for either party and is obligated to assure fairness to both parties and to protect the College's interests. For further information, contact the Affirmative Action Officer, Jacinda Kahle, Director of Human Resources, 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1384, or jkahle@fhc.edu. If the Affirmative Action Officer is not available at the time a report must be made, the report can be made to Lisa Kirmer, Vice President of Student Services, 3301 West 18th Avenue, Emporia, KS 66801, 620-341-1325, lkirmer@fhc.edu.

CONFIDENTIAL ADVOCATE

Micah Beatty is the Academic Advisor/Counselor for the College, mbeatty@fhc.edu, 620-341-1376. The confidential advocate can provide sensitive intake and initial counseling of reports, act as an advocate assisting those involved in grievances to navigate the process, resources and reporting options, refer individuals to appropriate resources and provide complete confidentiality in extreme cases. Micah Beatty may also serve as an investigator in a situation where he was not contacted as a confidential advocate.

INVESTIGATORS

Brenda Carmichael, bcarmichael@fhc.edu, 620-341-1338, Dean of Enrollment Management and Micah Beatty, mbeatty@fhc.edu, 620-341-1376, Academic Advisor/Counselor have been trained as Title IX Investigators. Both have offices on the main campus at 3301 West 18th Avenue, Emporia, KS 66801. The role of the investigator is to conduct a thorough, reliable, and impartial investigation through interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary. The Investigators presents information gathered to either the Title IX Coordinator and/or Affirmative Action Officer, who will then render a final decision. In unusual circumstances or in a situation of conflict of interest, Jacinda Kahle and Lisa Kirmer have also been trained as investigators.

APPEALS OFFICER

Nancy Thompson, Vice President of Business Services is the Appeals Officer, nthompson@fhc.edu, 620-341-1304, 3301 West 18th Avenue, Emporia, KS 66801. If the reporting or responding party does not agree with the determination or sanction, an appeal may be made to the Appeals Officer.

ADVOCATE

The reporting party and the responding party have the right to an advocate. The advocate can be present with the reporting party or responding party at any time during the investigation. The advocate may include a friend, family member, clergy, attorney or other appropriately deemed individual.

FILING A GRIEVANCE REPORT

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator or the Affirmative Action Officer. It is also possible for employees to notify a supervisor, or for students to notify a faculty member. These individuals will in turn notify the Title IX Coordinator and/or Affirmative Action Officer.

All employees receiving reports of a potential violation of Flint Hills Technical College policy are expected to promptly contact the Title IX Coordinator and/or Affirmative Action Officer, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy. Specific information on any grievances received by any party will be reported to the Title IX Coordinator. Subject to the College's obligation to redress violations some details of the case may have to be shared with appropriate parties.

REPORT EVALUATION AND INTAKE

Following receipt of a notice or a report, the Title IX Coordinator, in consultation with the Affirmative Action Officer will offer/make available advocacy services to the reporting party. The responding party will be notified of his/her rights. Normally, within two College business days, an initial determination is made whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the report does not appear to allege a policy violation or if conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation.

The College is required to conduct a full investigation if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. The College aims to complete all investigations within a 60 business day period. The Title IX Coordinator can extend the period as necessary for appropriate cause with notice to the parties.

INTERIM REMEDIES/ACCOMMODATIONS

If, in the judgment of the Title IX Coordinator/Affirmative Action Officer, the safety or well-being of any member(s) of the campus community may be at risk by the on-campus presence of the accused individual, the Title IX Coordinator and Affirmative Action Officer may, provide interim remedies. These interim remedies are intended to address the short-term effects of harassment, discrimination, or retaliation, to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include:

- referral to counseling and health services,
- education to the community,
- altering work arrangements for employees,
- providing campus escorts,
- implementing contact limitations between the parties,
- offering adjustments to academic deadlines, course schedules, etc.

Flint Hills Technical College may temporarily suspend a student, employee, guest, visitor, or organization pending the completion of the investigation and related procedures. In all cases in

which an interim suspension is imposed, the individual will be given the opportunity to meet with the Title IX Coordinator to show cause why the suspension should not be implemented. The Title IX Coordinator, in consultation with the Affirmative Action Officer, may implement or stay an interim suspension

under the Policy on Equal Opportunity, Harassment, and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion, termination, or potential legal action.

During an interim suspension or administrative leave, a student, employee, guest, or visitor may be denied access to College campus/facilities/events. This restriction includes classes and/or all other College activities or privileges for which the individual might otherwise be eligible. Further, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

INVESTIGATION

If the reporting party, or the College, based on the alleged policy violation, wishes to pursue a formal grievance, the following process occurs. A formal investigation will be initiated if a report is complete, timely, within the scope of this policy and articulates sufficient facts, which if determined to be accurate, would support a finding that the College's Equal Opportunity, Harassment, and/or Non-Discrimination policy/policies have been violated. Usually within 2 college business days of determining that a grievance should proceed, the Title IX Coordinator will appoint an investigator to conduct an investigation. Investigators assigned to conduct an investigation will be impartial. In conducting investigations into violations of the College's policies, the Affirmative Action Officer will use a preponderance of the evidence standard in making factual determinations. A preponderance of the evidence standard means the fact(s) in issue is more probably true than not.

Investigation of grievances brought directly by those alleging harm should be completed expeditiously; however, the investigation may take longer when initial grievances fail to provide direct first-hand information. The College may undertake a short delay, to allow evidence collection, when criminal charges on the basis of the same behaviors that invoke this process are being investigated. College action will not be altered or precluded because civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

CONFIDENTIALITY

It is the responsibility of the Title IX Coordinator and/or Affirmative Action Officer and the responsible administrator to whom a report is brought to maintain confidentiality while still allowing for an investigation, providing a remedy for individuals injured by discrimination or harassment, and allowing respondents to reply to reports. Investigators involved in the investigation process are also obligated to maintain confidentiality, and other individuals are expected to maintain confidentiality as to not hinder the investigation process. The College cannot guarantee reporting parties, respondents, or witnesses absolute confidentiality because the College is obligated to investigate reports.

ACCESS TO INFORMATION

Flint Hills Technical College will control access to information pertaining to reports, investigations, and outcomes of sexual violence reports by means appropriate to the circumstances. The institution follows all local, state, and federal mandates regarding privacy and confidentiality.

STATEMENT OF THE RIGHTS OF A REPORTING PARTY BRINGING A GRIEVANCE

- To be treated with respect by Flint Hills Technical College officials.
- To take advantage of campus support resources.
- To experience a safe living, educational and work environment.
- To have an advocate during this process.
- To decline to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for policy violations (such as alcohol or drug violations) that are ancillary to the incident.
- To be free from retaliation.
- To have grievances heard in accordance with these procedures.
- To have full participation in any investigation process.
- To be informed in writing of the outcome/resolution of the grievance, sanctions where permissible and the rationale for the outcome where permissible.
- To receive assistance filing a report with law enforcement
- To request accommodations/adjustments with employment and scheduling.
- To request or benefit from a no contact order.

STATEMENT OF THE RIGHTS OF THE RESPONDING PARTY

- To be treated with respect by Flint Hills Technical College officials.
- To take advantage of campus support resources.
- To have an advocate during this process.
- To decline to have an allegation resolved through conflict resolution procedures.
- To be free from retaliation.
- To have the opportunity to refute charges and provide evidence in accordance with these procedures.
- To be informed of the outcome/resolution of the grievance and the rationale for the outcome, in writing.
- To request accommodations/adjustments with employment, and scheduling.
- To request or benefit from a no contact order.

INVESTIGATION TIMEFRAME

The College will strive to complete harassment, sexual misconduct, and other forms of discrimination report investigations, including issuance of a report of findings to the reporting party and respondent, in as timely and efficient a manner as possible within 60 calendar days of receipt of a report. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks including summer break, and complexity of the report. If an investigation cannot be completed within 60 calendar days of receipt of the report, then the investigator(s) will notify the reporting party and respondent of that fact and provide a timeframe for completing the investigation.

INVESTIGATION PROCEDURE

The investigation will include the following steps:

Contact with Reporting party

If the investigator did not speak with the reporting party at the time that the report was received by the Title IX Coordinator and/or Affirmative Action Officer, the investigator will meet or speak with the reporting party at the start of the investigation. In all investigations, the investigator will meet with the reporting party throughout the investigation as appropriate.

Notice to Respondent

The respondent will be provided with a statement of the report in writing, and the reporting party will be provided a copy of this notification. The respondent will be provided an opportunity to meet with the investigator(s) investigating the report and to respond to the allegation. Respondents may respond in person or in writing within a reasonable time to be determined by the investigators. If a respondent chooses not to participate or refuses to answer a report, his/her nonparticipation will not prevent the investigation from proceeding and could result in a finding based solely on the information provided by the reporting party.

Notice Regarding Retaliation

All parties to a report (reporting party, respondent, witnesses, and appropriate administrators or supervisors) will be informed that retaliation by an individual or his/her associates against any person who files a report or any person who participates in the investigation of a report is prohibited. Individuals who engage in retaliation are subject to disciplinary action, regardless of the disposition of the underlying report.

Representation

In any meeting with the investigators, the parties to the report (reporting party and the respondent) may bring a representative/advisor to the meeting. The reporting party and the respondent have the right to invite another individual to serve as an advisor during the hearing. The advisor is present solely to advise the represented party. The advisor shall not directly address or communicate with the investigator or other parties involved in the investigation and/or hearing, nor shall he/she speak on the behalf of the individual being advised.

Information Relevant to Investigation

The parties to a report (reporting party and respondent) will be informed that they have the opportunity to identify witnesses, present witness statements, and any other evidence they believe relevant to resolution to the report. The investigator(s) will interview other persons whom the investigator(s) in his/her discretion determines to be necessary to gather relevant information. The investigator will review any written materials, emails or other media that as determined by the investigator in his/her discretion may provide relevant information regarding the report.

Findings of Investigation

The investigator(s) will provide a written summary of their findings to the respondent and the reporting party within a reasonable time following the conclusion of the investigation. In addition, the investigator(s) will provide a written report of the investigation findings and recommendations to the Title IX Coordinator and/or Affirmative Action Officer who will determine the appropriate action to be taken in light of the investigation findings and recommendations. The Title IX Coordinator and/or Affirmative Action Officer will have 20 working days from receipt of the investigation findings and recommendations to determine an appropriate resolution(s). Upon making a decision, Title IX Coordinator and/or Affirmative Action Officer will simultaneously

provide written notification of the decision to both the respondent and reporting party.

GRIEVANCE RESOLUTION

During or upon the completion of the investigation, the investigators will meet with the Title IX Coordinator and/or Affirmative Action Officer. Based on that meeting, the Title IX Coordinator and/or Affirmative Action Officer will decide whether there is reasonable cause to proceed with the grievance. If the Title IX Coordinator and/or Affirmative Action Officer decide that no policy violation has occurred or that the preponderance of evidence does not support a finding of a policy violation, then the process will end.

The party bringing the grievance may request that the Title IX Coordinator make a determination based on extraordinary circumstances to re-open the investigation or may move to appeal. If there is reasonable cause to proceed with the grievance, the Title IX Coordinator will direct the investigation to continue. Or if there is a preponderance of evidence of a violation, then the Title IX Coordinator may recommend conflict resolution or a resolution based on the criteria below.

CONFLICT RESOLUTION

Conflict resolution is recommended for less serious, yet inappropriate, behaviors and is encouraged as a process to resolve conflicts. The Title IX Coordinator and/or Affirmative Action Officer will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, the Title IX Coordinator or Affirmative Action Officer will facilitate a dialog with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution and failure to abide by the accord can result in appropriate responsive actions. Conflict resolution will not be the resolution mechanism used to address grievances of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy. It is not necessary to pursue conflict resolution first to make a formal report. Anyone participating in conflict resolution can stop that process at any time and request a resolution.

RESOLUTION

Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment, and Nondiscrimination, at any time during the process. The Title IX Coordinator will provide written notification of a grievance to any member of the College community who is accused of an offense of harassment, discrimination, or retaliation.

The Title IX Coordinator/Affirmative Action Officer will meet with the responding individual to explain the finding(s) of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX Coordinator and Affirmative Action Officer will render a finding that the individual is in violation of College policy for the admitted conduct. For admitted violations, the Title IX Coordinator and Affirmative Action Officer will recommend an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the reporting party and responding party, the Title IX Coordinator will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community. If either party

rejects the sanction/responsive action, the Appeals Officer will review the investigation and subsequent sanction/responsive action, according to the procedures below.

SANCTIONS

Sanctions or responsive actions will be determined by the Title IX Coordinator and/or Affirmative Action Officer after consideration of the report from the investigator. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous grievances or allegations involving similar conduct
- Any other information deemed relevant
- 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 victim and the community

STUDENT SANCTIONS

The following are the usual sanctions that may be imposed upon students:

- Warning
- Probation
- Suspension
- Expulsion
- Fines
- Removal from student housing
- Organizational Sanctions
- Other Actions

EMPLOYEE SANCTIONS

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

- Verbal Warning
- Written Warning (in which case a Performance Improvement Plan will be implemented)
- Suspension (administrative leave) with or without pay
- Termination of Employment

These actions are not necessarily progressive in nature and may be used as needed.

WITHDRAWAL OR RESIGNATION WHILE CHARGES PENDING

Students: Should a student decide to leave and not participate in the investigation, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Flint Hills Technical College unless all sanctions have been satisfied. The institution will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

Employees: Should an employee resign while charges are pending, the records of the Affirmative Action Officer and Title IX Coordinator will reflect that status, as will Flint Hills Technical College responses to any future inquiries regarding employment references for that individual. The institution will act to promptly and effectively remedy the effects of the conduct upon the reporting party and the community.

APPEALS PROCESS

Right of Appeal

Any decision of the Title IX Coordinator/Affirmative Action Officer or such other person as designated by the President may be appealed by the responding party or the reporting party within ten (10) College business days of the receipt of the decision. Such appeals shall be in writing and shall be delivered to the Appeals Officer. A student or employee who fails to file a written notice of appeal to the Appeals Officer, within the times specified waives the right to appeal.

Standard for Appeal

Any disciplinary action or responsive action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the Appeals Officer. An appeal shall be conducted for one or more of the following purposes:

- To determine whether the original process was conducted fairly a) in light of the charges and evidence presented, and b) in conformity with prescribed procedures. This gives the reporting party a reasonable opportunity to prepare and present evidence that policy was violated, and gives the responding party a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- To determine whether the decision reached regarding the responding party was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of policy occurred.
- To determine whether the sanction imposed was appropriate given the policy violation.
- To consider **new** evidence sufficient to alter a decision or other relevant facts **not** brought out in the original process, because such evidence and/or facts were not known to the person appealing at the time.

If the Appeals Officer determines, in their sole discretion that the written appeals fails to meet the Standard for Appeal (noted above), they will inform the student in writing. If the written appeal submission fails to meet the Standard for Appeal, the matter is concluded and no further action will be taken.

If the Appeals Officer determines that an appeal is warranted the Appeals Officer will review the charges and imposed sanctions. The Appeals Officer shall decide whether the student has violated policy and whether the sanction imposed fits the nature of the violation. The Appeals Officer may uphold, modify, or completely reverse the original decision as appropriate.

A written summary of the findings must be provided and should the decision be modified it should be in accordance with one or more of the conditions delineated in this code. In all appeals any modification of the original sanctions may not result in more severe discipline for the accused

student. The Appeals Officer shall render his/her decision in writing with three 20 College business days. The findings of the Appeals Officer shall be forwarded to the President.

Notification of Decision

The President's Office shall inform the student or employee, in writing, of the Appeals Officer's decision within three (3) College business days of the receipt of the Appeals Officer's decision. The findings of the Appeals Officer shall be final.

FAILURE TO COMPLETE SANCTIONS/COMPLY WITH RESPONSIVE ACTIONS

All responding parties are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College and will be noted in a student's disciplinary file or employee personnel file.

RECORDS

In implementing this policy, records of all grievances, resolutions, and appeals will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database.

RETALIATION

Retaliation is generally any adverse action taken without a legitimate reason as a result of involvement in an administrative review of a report of unlawful discrimination or harassment. It is a violation of Flint Hills Technical College's anti-harassment policies to retaliate against any individual involved in the report process. Appropriate sanctions will be imposed against persons who engage in retaliatory behavior. Respondents, reporting parties, witnesses, and other involved parties will be cautioned of inappropriate behavior in the form of retaliation.

PROHIBITION AGAINST RETALIATION

Retaliation against persons who file harassment, sexual misconduct, and other forms of discrimination reports or persons who participate in an investigation of a report, whether by an individual directly involved or by his/her associates, is a violation of College and Board of Trustees policy as well as State and Federal law. Reporting parties who utilize these procedures or persons who participate in an investigation of a report should not be subjected to retaliation. Retaliation may take the form of unwanted personal contact from the respondent or giving additional assignments that are not assigned to others in similar situations, poor grades or unreasonable course assignments. Phone calls, email or other attempts to discuss the report may be perceived as retaliation under certain circumstances. Disciplinary action, harassment, unsupported evaluations, or other adverse changes in the conditions of employment or the educational environment may also constitute retaliation. Retaliation will not be tolerated and could result in suspension, reassignment, salary reduction, termination, expulsion or other disciplinary action.

REPORT OF RETALIATION

An individual who believes that he or she has been the subject of discrimination or retaliation, or a dean, director, chairperson or other supervisor or administrator who has reason to believe that

discrimination or retaliation may have occurred, should contact the Affirmative Action Officer to initiate the filing of a report. A report should include the following, to the extent known and available:

- Name and contact information (address, telephone, email) for the reporting party;
- Name of person(s) directly responsible for the alleged discrimination or retaliation;
- Date(s), time(s), and place(s) of the alleged violation(s);
- Nature of the alleged violation(s); i.e., race, sex, disability discrimination or retaliation, etc.;
- Detailed description of the specific conduct that is the basis of the alleged violation(s);
- Copies of any documents or other tangible items pertaining to the alleged violation(s);
- Names and contact information for any witnesses to the alleged violation(s);
- Any other relevant information.

Upon receiving a report, the Affirmative Action Officer will provide the reporting party with an acknowledgment of receipt within 7 working days and will include the Discrimination Report Resolution Process.

ADMINISTRATIVE CLOSURE OF A REPORT WITHOUT INVESTIGATION

The College may not proceed with a report investigation under a variety of circumstances, for instance:

- A reporting party, even after contact and follow up with an investigator, fails to describe in sufficient detail the conduct that is the basis of the report;
- The conduct alleged in the report is not covered by this policy;
- The report is untimely;
- The reporting party refuses to cooperate with the College's investigation;
- The reporting party is anonymous.

If it is determined that the College will not proceed with investigation of a report, the Title IX Coordinator/Affirmative Action Officer will notify the reporting party (if not anonymous) in writing explaining the reasons why the report is not being investigated. The notification letter will include a statement notifying the reporting party that he or she may appeal the determination not to proceed with an investigation of the report to the Appeals Officer within 10 working days of the notice as outlined in the Right of Appeals process.

ACCOUNTABILITY FOR STUDENTS AND/OR EMPLOYEES WHO ARE OFFENDERS

Students or employees may be subject to corrective or disciplinary action in accordance with Student Conduct Policy and Agreement of Employment, or Employment Contract, statutes, and regulations in the following situations:

- A student or employee has threatened, harassed, or abused an intimate partner using FHTC resources such as work time or equipment.
- A student or employee intentionally uses his/her job-related authority and/or college resources in order to:
 - Negatively impact a victim of domestic violence
 - Assist an abuser in locating a victim
 - Assist an abuser in perpetrating acts of domestic violence
 - Protect an abuser from appropriate consequences of their behavior.

ABUSE OF THE DISCRIMINATION REPORT RESOLUTION PROCESS

The College takes all harassment, sexual misconduct, and other forms of discrimination reports seriously. However, knowingly filing a false report is considered serious misconduct and is also subject to sanction. An individual who establishes a pattern of repeatedly filing frivolous reports that harass colleagues and/or abuse the report resolution process may lose the right to file reports for a specified period of time.

REVISION

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator, Affirmative Action Officer, Investigators and Appeals Officer. Modifications may be made to procedures that do not materially jeopardize the fairness owed to any party. However, the team may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

DRUG-FREE COLLEGE POLICY

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

ALCOHOL AND DRUGS

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

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

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

ENFORCEMENT OF DRUG-FREE COLLEGE POLICY

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

under the age of 18, his or her parents shall contact the directors of programs to determine the cost and length of the program.

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

FLINT HILLS TECHNICAL COLLEGE DRUG TESTING PROCEDURE

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

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

If the student agrees to a voluntary drug test and drug and alcohol usage is not verified, the student will be allowed return to classes. If drug or alcohol usage is verified through the drug test, the student will be reported to the appropriate law enforcement officials, and be subject to further disciplinary action including but not limited to suspension or expulsion in accordance with the FHTC Drug-Free College Policy.

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

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

TOBACCO USE FREE AND SMOKE FREE CAMPUS POLICY

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

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

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

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

For the purpose of this policy, tobacco is defined as any product derived from, smoked, or

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

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

Enforcement of Drug-Free College Policy

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

Risks of Drug or Alcohol Abuse

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

Educational Risks

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

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

Employment Risks

Businesses are increasingly alarmed about alcohol and drug abuse. One cannot subject his or her body to abusive substances and expect it to continue to operate effectively. Thus, alcohol and drug abuse is not only a risk to an individual's employment, but also a high risk to the employer

in terms of expense, safety and productivity. Below are some employment problems faced by both businesses and abusers of controlled substances:

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

Social Risks

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

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

Health Risks

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

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

Legal Risks

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

LIST OF CAMPUS RESOURCES

Student Success Center:

620-343-4600 (Main Campus)
620-343-4700 (Downtown Campus)
800-711-6947 (Toll-free)

FHTC Academic Support:

Micah Beatty
Academic Advisor/Counselor
Flint Hills Technical College
3301 West 18th Avenue
Emporia, KS 66801
620-341-1376
mbeatty@fhtc.edu

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

FHTC Counseling Services:

Micah Beatty
Academic Advisor/Counselor
Flint Hills Technical College
3301 West 18th Avenue
Emporia, KS 66801
620-341-1376
mbeatty@fhtc.edu

FHTC Disability Support Services:

Lisa Kirmer
Vice President of Student Services
Flint Hills Technical College
3301 West 18th Avenue
Emporia, KS 66801
620-341-0225 (office)
620-794-3176 (cell)
lkirmer@fhtc.edu

Crisis Pregnancy Centers:

Birthright
702 Commercial
Emporia, KS
620-342-8600

Shiloh Home of Hope for Women
615 Congress Street
Emporia, KS 66801
888-797-3002 or 620-342-2244
www.shilohhomeofhope.org
fls.shiloh@hotmail.com

Catholic Charities
1229 Vermont Street
Lawrence, KS 66044
785-843-0109
www.catholiccharitiesks.org

Rape Crisis Intervention:
SOS, Inc. – Battered Women’s Shelter
618 Mechanic Street
Emporia, KS
800-825-1295 or 620-343-8799
www.soskansas.com

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

Lawrence Memorial Hospital
325 Maine Street
Lawrence, KS 66044
785-505-5000

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

Plumb Place
224 E 6th Avenue
Emporia, KS
620-342-1613

Experience Hope Inc.
2124 W 26th
Lawrence, KS 66047
785-550-6029

Lawrence Community Shelter
3655 E 25th St.
Lawrence, KS 66046
785-832-8864

Counseling/Mental Health Services:

Catholic Charities of NE Kansas
702 Commercial Street, #3A
Emporia, KS
620-343-2296

Mental Health Center of East Central Kansas
1000 Lincoln Street
Emporia, KS 66801
620-343-2211
1-800-279-3645

ESU-Counseling Services
1601 State
Emporia, KS
620-341-5799

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

Bert Nash Community Mental Health Center
200 Maine Street, Suite A
Lawrence, KS 66044
785-843-9192
<http://www.bertnash.org>

Women's Services-Domestic Violence and Sexual Assault

Shiloh Home of Hope for Women
615 Congress Street
Emporia, KS 66801
888-797-3002 or 620-342-2244
www.shilohhomeofhope.org
fls.shiloh@hotmail.com

Plumb Place
224 E 6th Avenue
Emporia, KS
620-342-1613

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

SOS, Inc. – Battered Women’s Shelter
618 Mechanic Street
Emporia, KS
800-825-1295 or 620-343-8799
www.soskansas.com

Birthright
702 Commercial
Emporia, KS
620-342-8600

GaDuGi Safe Center
Lawrence-Douglas, Franklin and Jefferson counties
785-843-8985
www.gadugisafecenter.org

The Willow Domestic Violence Center
Lawrence-Douglas, Franklin and Jefferson counties
800-770-3030 or 785-843-3333
www.willowdvcenter.org

Drug and Alcohol Counseling Services:

Alcoholics Anonymous
(Confidential help for alcohol problems)
325 Commercial Street
Emporia, KS
620-343-3455

Alcoholics Anonymous
311 East 9th Street
Lawrence, KS 66044
785-842-0110

Celebrate Recovery
3705 Clinton Parkway
Lawrence, KS 66044
785-841-4138

Legal Services:

Kansas Legal Services
527 Commercial, Suite 201

Emporia, KS 66801
620-343-7520

Flint Hills Technical College does not discriminate on the basis of sex including pregnant and parenting students, sexual orientation, handicap, race, color, age, religion, marital status, or national or ethnic origin in educational programs, admissions policies, employment policies, financial aid or other college-administered programs. For questions or concerns regarding non-discrimination contact the Director of Human Resources at 620-343-4600.