POLICY AND PROCEDURE 1132 – CIVIL RIGHTS EQUITY RESOLUTION FOR ALL STUDENTS, EMPLOYEES, GUESTS, AND VISITORS

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POLICY AND PROCEDURES: Equal Opportunity, Harassment and Nondiscrimination

Barton Community College (College, Barton) affirms its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the College's Equity Grievance Process, as detailed below. The Equity Grievance Process is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. The College reserves the right to act on incidents occurring on-campus or off-campus when the off-campus conduct could have an on-campus impact or impact on the educational mission of the College. The College will distribute/post this policy annually to campus, prospective students, their parents, and prospective employees.

Cathie Oshiro serves as the Title IX Coordinator and oversees implementation of the College's policy on equal opportunity, harassment, and nondiscrimination. Reports of discrimination, harassment and/or retaliation should be made to the Title IX Coordinator or deputy/deputies, promptly. However, there is no time limitation for the filing of complaints, as long as the accused individual remains subject to the College's jurisdiction. The College acts promptly on all reports, and every effort is made to preserve the privacy of reports. Anonymous reports may also be filed online, using the reporting form posted at http://bartonccc.edu/campussafety/file-a-report . Reporting is addressed more specifically on p. 14, Section 8, Confidentiality and Reporting of Offenses under this Policy. Reports of discrimination by the Title IX Coordinator should be reported to the College President, 620-792-9301.

This policy applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any action that constitutes criminal offense as defined by federal or Kansas state law. These offenses include, but are not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the College is located;
- Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the College.

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 Barton Community 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. Otherwise, such communications are considered speech protected by the 1st Amendment.

Off-campus discriminatory or harassing speech by employees may be regulated by the College when such speech impacts an employee's official or work-related capacity outside of work.

Inquiries about this policy and procedure may be made internally to:

Title IX Coordinator

Name: Cathie Oshiro
Title IX Coordinator
Grants Office 245 NE 30 Road
Great Bend, KS 67530-9107
(620) 792.9234
Email: oshiroc@bartonccc.edu

Deputy Coordinators

Name: Ashley Anderson, Dean of Military Academic Services
Title IX Deputy Coordinator, Military-Connected Students, Employees, Guests, and Visitors
Building 217
P.O. Box 2463
Fort Riley, KS 66442-0463
(785) 620.6606, Extension 710
Email: andersona@bartonccc.edu

Deputy Coordinator
Name: Julie Knoblich, Director of Human Resources
Title IX Deputy Coordinator, Employees, Guests, and Visitors
Kirkman Building, P-116B
245 NE 30 Road
Great Bend, KS 67530-9107
(620) 792.9275, Extension 275
Email: knoblichj@bartonccc.edu

Deputy Coordinator
Name: Angie Maddy, Dean of Student Services
Title IX Deputy Coordinator, Students
Learning Resource Center, L-137
245 NE 30 Road
Great Bend, KS 67530-9107
(620) 792.9322, Extension 322
Email: maddya@bartonccc.edu

External inquiries may be made to:

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

Local OCR office contact information:

Kansas City Office
Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106

Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

Or for sites other than Kansas
https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm

Equal Employment Opportunity Commission (EEOC)
Contact: http://www.eeoc.gov/contact/

1. Barton Community College Policy on Nondiscrimination

Barton Community College adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. The College will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of:

- race,
- religion,
- hearing status,
- personal appearance,
- color,
- sex,
- pregnancy,
- political affiliation,
- source of income,
- place of business,
- residence,
- religion,
- creed,
- ethnicity,
- national origin (including ancestry),
- citizenship status,
- physical or mental disability,
- age,
- marital status,
- family responsibilities,
- sexual orientation,
- gender,
- gender identity,
- veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran),
- predisposing genetic characteristics,
- domestic violence victim status, or
- any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Barton policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be appropriately remedied by the College according to the procedures below.

2. Barton Community College Policy on Accommodation of Disabilities

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

Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals

who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The following employees have been designated as the ADA/504 Coordinators responsible for coordinating efforts to comply with these disability laws, including investigation of any grievance alleging noncompliance.

- Employee, guest, visitor-related issues – Director of Human Resources, 620-792-9275
- Facility-related issues – Coordinator of Facility Management 620-792-9339
- Student-related issues – Dean of Student Services, 620-792-9226

a. Students with Disabilities

Barton Community College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

A student requesting any accommodation should first contact a Disability Services Advocate (disabilityservices@bartonccc.edu) who coordinates services for students with disabilities. The advocate reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic programs.

b. Employees with Disabilities

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

An employee with a disability is responsible for submitting a written request for accommodation and appropriate documentation to the Dean of Administration. The Dean of Administration will consult with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability, and reasonable accommodations that could enable the employee to perform those duties.

3. Barton Community College Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. The College's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under College policy.

a. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by law. The College will address all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the harasser.

Barton's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent/pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.[1]

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under College policy. These actions will be addressed through civil confrontation, remedial actions, education, and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Director of Human Resources, and students should contact the Dean of Student Services.

The College condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by College policy or law.

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under College policy. These actions will be addressed through civil confrontation, remedial actions, education, and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Director of Human Resources, and students should contact the Dean of Student Services.

The College condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by College policy or law.

b. Sexual Harassment

Both the Equal Employment Opportunity Commission and the State of Kansas regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Barton Community College has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students, guests, and visitors as well.[2]

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[1] This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents and Harassment against Students at Educational Institutions Investigative Guidance. The document is available at http://www.ed.gov/about/offices/list/ocr/docs/race394.html.

[2] The Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX," which can be found at http://www2.ed.gov/ocr/docs/shguide.pdf as well as the April, 2011 DCL on Campus Sexual Violence, which can be found at: http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

Sexual harassment is:

- unwelcome, sexual or gender-based verbal, written, online and/or physical conduct.[3] Anyone experiencing sexual harassment in any Barton program is encouraged to report it immediately to the College's Title IX Coordinator.

  Sexual harassment creates a hostile environment, and may be disciplined when it is:

- sufficiently severe, persistent/pervasive and objectively offensive that it,
  - has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the College's educational, social and/or residential program, and is
  - based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

c. Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty-student and supervisor-employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships

[3] Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.

in which power differentials are inherent (faculty-student, staff-student, administrator-student) are prohibited.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Barton Community College Policy 1131 - Personal Relationships

The College prohibits dating, sexual or intimate relationships between employees who can exercise power or control over another employee, students and/or student employees, unless they are legally married. College employees who do not adhere to this policy are subject to disciplinary action up to and including termination.

<u>Personal Relationships Guidelines</u>
Employees who are aware of employee/employee or employee/student relationships that are in violation of this policy must notify Human Resources immediately.

<u>Employee/Employee Relationships</u>
Unless they are legally married, a dating, intimate, or sexual relationship between a college employee who can exercise power or control over the other employee is prohibited. People in positions of authority who abuse or appear to abuse their power cause severe damage to the college.

<u>Employee/Student Relationships</u>
Unless legally married, dating, intimate or sexual relationships between a student and any college employee who can exercise power or control over that student is prohibited. Many employees of the college exercise various types of control or power over students. This power can be in the form of praise, criticism, disciplinary action and evaluation, financial aid, playing time for athletes, recommendations for employment or further education, or bestowing any other benefit on them. Such relationships, even though apparently consensual, create inherent conflicts of interest, tend to be exploitive in nature, and call into question the judgment and professionalism of the college employee. These relationships greatly increase the chances that the employee in the position of power will abuse that power or appear to abuse it to exploit the student or favor that student, unfairly placing other students at a disadvantage.

d. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. Additionally,

Barton Community College has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, the College considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

1. Sexual Harassment (as defined in section b above)

2. Non-Consensual Sexual Intercourse

   Defined as:

   a. any sexual penetration or intercourse (anal, oral or vaginal)
   b. however slight
   c. with any object
   d. by a person upon another person
   e. that is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

e. Non-Consensual Sexual Contact

Defined as:

a. any intentional sexual touching
b. however slight
c. with any object
d. by a person upon another person
e. that is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

f. 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 Non-Consensual 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

g. Consent[4]

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

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[4] Under Kansas law, consent to sexual activity ***cannot*** be given by someone who is:

- mentally disabled
- incapacitated by drugs or alcohol
- overcome by force or fear
- unconscious or physically powerless

The definition is applicable to criminal prosecutions for sex offenses in Kansas, but may differ from the definition used on campus to address policy violations.

Kansas law deems any person under the age of 16 as unable to consent to any sexual acts. There are no close-in-age or "Romeo and Juliet laws" to the Kansas age of consent. This means that anyone who engages in sexual activity with someone under the age of consent in Kansas is liable for prosecution, including people only a few years older than their sexual partner and even two individuals who are both under the age of consent. In Kansas, the age of consent laws apply to both males and females, to both heterosexuals and homosexuals.

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.

4. Other Civil Rights Offenses, When the Act is Based upon the Status of a Protected Class

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person

- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities

- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another person

- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity; hazing is also illegal under Kansas State law and prohibited by College policy

- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally

- Violence between those in an intimate relationship to each other (this includes romantic relationships, dating, domestic battery[5], and/or relationship violence)

- Stalking, defined as a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear

- Any other College rules may be pursued using this policy and process.

Sanctions for the above-listed “Other Civil Rights Offenses” behaviors range from reprimand

[5] Barton operates in a number of states and as a result the definition of Domestic Battery will vary from state to state, therefore the law in effect where an incident of Domestic Battery occurs will control for criminal prosecution purposes.

up through and including expulsion (students) or termination of employment.

5. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity such as alleging harassment, supporting a party bringing a grievance or for assisting in providing information relevant to a claim of harassment. Retaliation is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will result in a prompt investigation. Barton Community College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

6. Remedial Action

Barton Community College will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to:

- no contact orders
- counseling and/or medical services
- academic support
- living arrangement adjustments
- campus escort
- academic or work schedule and assignment accommodations,
- safety planning
- referral to campus and community support resources

Barton Community College will take additional prompt remedial and/or disciplinary action with respect to any member of the College community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to grievances which, even if erroneous, are made in good faith, and will be subject to appropriate disciplinary action.

7. Amnesty

The health and safety of every student at the College is of utmost importance. Barton recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due

to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institutional officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's non educational code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

8. Confidentiality and Reporting of Offenses under this Policy

Making a report means telling someone in authority what happened. At the time a report is made, the reporting party does not have to decide whether or not to pursue a particular course of action. Choosing to make a report and deciding how to proceed can be a process that unfolds over time. The College provides support that can assist individuals in making these important decisions and to the extent legally possible will respect the individual's autonomy in deciding how to proceed.

Depending on their roles at the College, Barton employees have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, the reporting party should be aware of confidentiality and mandatory reporting requirements when consulting campus resources.

On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless the reporting party requests the sharing of information. Other resources exist to report crimes and policy violations; these resources take action upon the filing of a victimization report. Most resources on campus fall in the middle of these two extremes; neither the College nor the law, requires them to divulge private information shared with them, except in rare circumstances.

If a reporting party is unsure of someone's duties and ability to maintain privacy, he or she is advised to ask before divulging information. Further, an employee who is required to report information should always inform the reporting party as soon as possible. The employee should then assist the reporting party to identify who is in the best position to meet their needs and expectations.

Complaints and reports should be made as soon as possible after an incident. Information and resources are available at http://bartonccc.edu/campussafety/file-a-report**.** Options for filing a report include:

Reporting Options

	Anonymous and Third Party Reporting	Confidential Reporting	Private Reporting	Formal Reporting
Level of Confidentiality	Information provided in the report will be kept confidential including identifying information about the parties involved. **IF** identifying information for the victim is provided, a confidential advocate will make contact.	Details of the incident and the private information of the victim will be kept confidential except in extreme cases of immediate threat or danger, or abuse of a minor.	Initially, details of the incident and the private information of the victim may be kept confidential, unless there is a pattern of abuse or fear for the safety of reporter or others. Reports of incidents must be shared with the Title IX Coordinator but without identifiable information unless reporting party gives permission or in exceptions listed above.	Privacy will be afforded to the reporter with only a small group of officials who may need to know details to complete investigation given personal information.
Who is in this category?	Reports can be made by victims and/or third parties using the online reporting form posted at http://bartonccc.edu/campussafety/file-a-report. If there are concerns about Internet confidentiality, a report may be filed by calling the Title IX Coordinator, 620-792-9234 anonymously.	• Barton Counselor, Ext. 295 • Barton Nurse, Ext. 233 • Family Crisis Center Advocate • Off-campus clergy • Off-campus domestic violence resources or counselors • Local state assistance agencies	Employees without supervisory responsibility or authority to address discrimination, harassment, retaliation, and/or sexual misconduct. For example: • Activity Directors • Advisors • Coaches • Non-supervisory faculty • Student services personnel • Support staff	• Campus Safety • Deans • EGP members • Title IX Coordinator
What to expect	Anonymous and Third-Party reports do not trigger investigations. If identifying information for the victim is provided, a confidential advocate will make contact.	The Barton counselor and nurse are available to help free of charge and can be seen on an emergency basis during normal business hours. If complete privacy is requested, certain provisions or protections may not	Available to direct reporter to necessary services and resources. Will report details of incident reported without personally identifiable information if possible. If personal information is shared, it will be shared with as few people as is possible.	Reports given will begin the official investigative process as described: Reporting parties have the right and can expect to have grievances taken seriously by Barton Community College when formally reported, and to have

	Anonymous and Third Party Reporting	Confidential Reporting	Private Reporting	Formal Reporting
		be possible.	Campus resources and provisions will be provided as requested.	those incidents investigated and properly resolved through these procedures.
Jeanne Clery Disclosure of Campus Safety and Campus Crime Statistics Act Requirements	Must submit anonymous statistical information unless it would be harmful to the victim.	Must submit anonymous statistical information unless it would be harmful to the victim.	Must report at least anonymous statistical information regardless of the possibility of identity exposure.	Must report at least anonymous statistical information regardless of the possibility of identity exposure.

a. Anonymous and Third Party Reporting

Safe and anonymous reports, which do not trigger investigations, can be made by victims and/or third parties using the online reporting form posted at http://bartonccc.edu/campussafety/file-a-report. An anonymous form will be kept on file by the Title IX Coordinator and recorded with Campus Safety for the purposes of the Jeanne Clery reporting requirements. Anonymous Reports allow the College to track reported incidents. Submitting a form does not constitute an incident report or a student conduct report and the College will not initiate investigatory proceedings. IF identifying information for the victim is provided, a confidential advocate will make contact.

b. Confidential Reporting

A reporting party who would like the details of an incident to be kept confidential may speak with the College counselor, nurse, or Family Crisis Center advocates. Alternatively, the reporting party may choose to seek off-campus resources including the Family Crisis Center, domestic violence resources, local or state assistance agencies, or off-campus members of the clergy/chaplains.

The identified College employees and off-campus resources will maintain confidentiality except in extreme cases of the immediacy of threat or danger or abuse of a minor. College employees will submit anonymous statistical information for Clery Act purposes unless they believe that it will be hurtful to the reporting party.

c. Private Reporting

Those seeking to report misconduct may seek advice from certain resources that are not required to share private, personally identifiable information initially. An exception will be made in the rare event that the incident reveals a need to protect the reporting party and/or other members of the community. These resources include employees without supervisory responsibility or authority to address discrimination, harassment, retaliation, and/or sexual misconduct. Examples of employees in this category are non-supervisory faculty members, advisors, student services personnel, coaches, and support staff. They will be able to direct the

reporter to the necessary services and resources. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask before speaking to them.

These employees are required to share incident reports with the Title IX Coordinator. They do not share any personally identifiable information about the report unless the reporting party gives permission, or the incident reveals a need to protect the reporting party and/or other members of the community. If the employee is required to share personally identifiable information, it will be shared with as few people as possible. All efforts will be made to protect privacy to the greatest possible extent.

d. Formal Reporting

College employees have a duty to report, unless they fall under the Confidential Reporting section above. Parties making a report may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator. Otherwise, employees must share all details of the reports they receive. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Even Barton employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Reporting parties are encouraged to speak to the Title IX Coordinator to make formal reports of incidents. Reporting parties have the right and can expect, to have grievances taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Under federal law, campus officials (with the exception of those listed under Confidential Reporting, above) who receive a report of sexual misconduct, sexual assault, dating violence, domestic violence, and stalking, whether from the student involved or a third party, must share that information with the Title IX Coordinator for investigation and follow-up. This excludes information received through anonymous and third party reporting.

In cases indicating pattern, predation, threat and/or violence, the College will be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be informed. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Any disclosure made in the course of institutional research, classroom discussions or writing assignments or related events is not considered notice to the College unless the victim wishes a report to be made. Such information will be used to inform campus climate and educational efforts, generally.

8. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that College administrators must issue Timely Warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed while still providing enough information for community members to make safety decisions in light of the potential danger.

The Title IX Coordinator and Deputy Coordinators will act promptly and effectively to remedy the effects of the conduct upon the victim and the community.

Process for Resolving Reports of Harassment, Sexual Misconduct, and Other Forms of Discrimination

Barton Community 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.

1. Equity Grievance Panel (EGP)

Sexual Misconduct and Assault Response Team (SMART)

The SMART team is charged with oversight of the institutional Title IX policies, processes, and compliance efforts. Under the direction of the Title IX Coordinator, SMART

- develops and maintains related institutional policies and procedures
- identifies and provides appropriate student and employee training
- identifies gaps in performance or processes and plans for improvement
- guides the work of collaborative teams
- monitors achievement, climate, and data
- advocates for adequate fiscal and human resources to support Title IX initiatives
- maintains current knowledge of legislative mandates

Equity Grievance Panel

The President, in consultation with the SMART, appoints the Equity Grievance Panel, which reports to the Title IX Coordinator. At the direction of the Title IX Coordinator, members of the EGP are recruited to serve in specific roles. They receive annual training organized by SMART including a review of Barton Community College policies and procedures so that they can provide accurate information to members of the community. All EGP members are required to attend annual training.

Members of the Equity Grievance Panel include the following positions. Those titles followed by an asterisk (*) are also members of the Sexual Misconduct and Assault Response Team.

- Title IX Coordinator*
- Title IX Deputy Coordinators:
  - Dean of Student Services: Students*
  - Director of Human Resources: Employees, Guests, Visitors*
  - Dean of Military Academic Services: Military-Connected Students, Employees, Guests, Visitors*
- Appeals Panel Members
- Champions

- Confidential Advocates
  - College Counselor*
  - College Nurse*
  - Representative from Family Crisis Center*
- Investigators
- Lead Campus Safety Officer*
- Student Representative*

Title IX Coordinator and Title IX Deputy Coordinators

- 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 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; and
- Create and submit an annual Title IX report to College President and Board of Trustees.

Appeals Committee Members–

- Serve on student Appeals Committee
- See also, Barton Procedure 2611 – Student Code of Conduct - Appeals

Campus Safety Representative

- Maintain Clery/Campus Safety Report documentation
- Complete and submit the Barton Annual Security Report

Champions

- Act as an informal source of information and referral for those who seek a solution to problems of harassment or who need guidance in filing a formal complaint.
- Assist with initiatives that support the mission and vision of SMART.

Confidential Advocates (College Nurse, College Counselor, and representatives from the Family Crisis Center who work collaboratively with the College to provide these services)

- Provide sensitive intake and initial counseling of grievances;
- Act as an advocate assisting those involved in grievances to navigate the process, resources, and reporting options available to them;
- Refer individuals to appropriate resources; and
- Can provide complete confidentiality except in extreme cases.

Investigators

- Investigate grievances – interview relevant parties, gather evidence
- Create comprehensive, written investigative reports
- Recommend appropriate remedial steps

Student Representative(s)

- Participate as members of SMART
- Assist with initiatives that support the mission and vision of SMART.

2. Filing a grievance

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 a Title IX Deputy Coordinator. It is also possible for employees to notify a supervisor, or for students to notify an advisor or faculty member. These individuals will in turn notify the Title IX Coordinator. The Barton website also includes a reporting form at http://bartonccc.edu/campussafety/file-a-report which may serve to initiate a grievance.

All employees receiving reports of a potential violation of Barton Community College policy are expected to promptly contact the Title IX Coordinator, 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.

3. Grievance Intake

Following receipt of a notice or a grievance, the Title IX Coordinator[6], in consultation with the appropriate Deputy Coordinator will offer/make available advocacy services to the person who reported the grievance. The party bringing the grievance also has the option to choose an advocate from either the EGP, or they may choose a non-trained advocate from outside the panel, or if preferred, proceed without an advocate. The responding party will be notified of the right to have an advocate.

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 grievance does not appear to allege a policy violation or if conflict resolution is desired by the party bringing a grievance, and appears appropriate given the nature of the alleged behavior, then the grievance 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

[6] If circumstances require, the President may designate another person to oversee the process below, should a grievance be made against the Coordinator or Deputy Coordinators, or the Coordinator be otherwise unavailable or unable to fulfill the duties.

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.

4. Investigation

If a party bringing a grievance, or the College, based on the alleged policy violation, wishes to pursue a formal grievance, the following process occurs. Usually within 2 college business days of determining that a grievance should proceed, the Title IX Coordinator will appoint two investigators to conduct an investigation.

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. Barton 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.

5. Interim Remedies

If, in the judgment of the Title IX Coordinator/Deputy Coordinator (s), 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 or the on-going activity of a student organization whose behavior is in question, the Title IX Coordinator and Deputy Coordinator (s) may, in consultation with the President or his/her designee, 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 the housing situation of an alleged victim or resident employee,
- altering work arrangements for employees,
- providing campus escorts,
- implementing contact limitations between the parties,
- offering adjustments to academic deadlines, course schedules, etc.

Barton Community 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 or student organization 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 Deputy Coordinators, 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 housing and/or 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 accused student.

6. Grievance Resolution

During or upon the completion of the investigation, the investigators will meet with the Title IX Coordinator or designee. Based on that meeting, the Title IX Coordinator and Deputy Coordinator (s) will decide whether there is reasonable cause to proceed with the grievance.

If the Title IX Coordinator and Deputy Coordinator(s) 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.

a. 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 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 Deputy Coordinator(s) 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 EGP grievance. Anyone participating in conflict resolution can stop that process at any time and request a resolution.

1. 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/Deputy Coordinator(s) together with the investigators 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 Deputy Coordinator(s) 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 Deputy Coordinator(s) will recommend an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the party bringing a grievance 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 EGP Appeal committee will review the investigation and subsequent sanction/responsive action, according to the EGP procedures below.

c. Sanctions

Sanctions or responsive actions will be determined by the President or designee after consideration of recommendation(s) by the Title IX Coordinator/Deputy Coordinator(s). 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

1. Student Sanctions

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

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

2. **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.

d. Withdrawal or Resignation While Charges Pending

1. Students: Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Barton Community 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.

2. Employees: Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will Barton Community 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 victim and the community.

e. Student Appeals

Right of Appeal
Any decision of the Title IX Coordinator/Deputy Coordinator(s) or such other person as designated by the President may be appealed by the accused or the complainant within five (5) College business days of the receipt of the decision. Such appeals shall be in writing and shall be delivered to the President of the College. A student who fails to file a

written notice of appeal in the President's Office, within the times specified waives the right to appeal.

Status Pending Appeal

Any disciplinary action or responsive action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College.
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 complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and gives the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
- To determine whether the sanction imposed was appropriate given the violation of the Student Code occurred.
- 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 of the original hearing.

If the President or designee determines, in his or her sole discretion that the written appeals fails to meet the Stand for Appeal (noted above), he or she 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.

Composition of Appeals Committee

The President of the College shall name an Appeals Committee Facilitator to conduct a formal Appeals Hearing in order to review the charges and imposed sanctions. The Appeals Committee shall consist of six (6) members, selected by the Facilitator and approved by the President, two of which shall be from the faculty, two staff, and two representatives from the student body. At any hearing before the committee, at least four (4) members shall be present to constitute a quorum in order to transact the business of the committee. Any member of such committee directly involved in the outcome of a hearing, or who believes they have a conflict of interest rendering them to be perceived as being incapable of providing an impartial decision, shall disqualify him/herself from the hearing and the Appeals Committee Facilitator shall appoint a person to take his/her place.

Hearing

The Appeals Committee shall set a hearing as soon as possible after the hearing has been approved. Notice of the time, date, and place of the hearing shall be given to all parties in writing no less than three (3) College business days prior to the hearing.

It is the hope of the College that disciplinary matters will be handled by members of the College community, and legal counsel will not ordinarily be present to represent the College. However, if the student is to have a professional legal advisor present (which will be at the student's expense) at any hearing, the student must notify the President's Office not later than forty-either (48) hours before the scheduled time of the hearing, in which event, the College may, in its discretion, be represented by counsel.
A student failing to appear before the Appeals Committee at the designated time, shall forfeit any right to appeal or seek further relief of the decision.
Proceedings before the Appeals Committee shall be recorded electronically or via written minutes. Recordings and communications related to the disciplinary procedure and resulting actions shall not be considered a public record as that term is defined by the Kansas Open Records Act.

Decision
Upon the conclusion of the hearings, the Appeals Committee, by majority vote, shall decide whether the student has violated the Student Code of Conduct and whether the sanction imposed fits the nature of the violation. The Appeals Committee 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 Committee shall render its decision in writing with three (3) College business days of the conclusion of the hearing. The findings of the Appeals Committee shall be forwarded to the President.

Notification of Decision
The President's Office shall inform the student in writing of the Appeals Committee's decision within three (3) College business days of the receipt of the Appeals Committee's decision. The findings of the Appeals Committee shall be final.
(Based on policy 1610; revised and approved by President on 7/28/14)

f. 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.

g. 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.

h. Statement of the Rights of a Party Bringing a Grievance

- To be treated with respect by Barton Community 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 Student Code of Conduct 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 EGP 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 housing, employment, and scheduling.
- To request or benefit from a no contact order.

i. Statement of the Rights of the Responding Party

- To be treated with respect by Barton Community 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 housing, employment, and scheduling.
- To request or benefit from a no contact order.

7. Revision

These policies and procedures will be reviewed and updated annually by the Sexual Misconduct and Assault Response Team. The team may make modifications 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.

This policy and procedure was implemented in February, 2016.

Contact(s): Title IX Coordinator, Deputy Title IX Coordinators

Related Form(s): Campus Safety File a Report

References:
The Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents and Harassment against Students at Educational Institutions Investigative Guidance.

The Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX".

Kansas Statutes

Relevant Policy or Procedure(s):
Policy 1125-Equal Employment Opportunity, Equal Education Opportunity and Affirmative Action
Procedure 2121-Compliance Officer
Policy 1615-Problem Resolution (Students)
Barton Procedure 2611-Student Code of Conduct
Procedure 2615-Problem Resolution (Students)

Approved by: President

Date: 2/22/16

Revision(s):