



## Annual Campus Crime & Security Report

### ECC Rolla Main

Rolla Technical Center  
500 Forum Drive  
Rolla, MO 65401

## Introduction

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act.<sup>1</sup> For more detailed information regarding the *Clery Act*, please visit the Department of Education Campus Security [website](#).

The following report contains statistics for the previous three years concerning reported crimes that occurred either on-campus; in certain off-campus buildings or property owned or controlled by East Central College; or on public property within, or immediately adjacent to and accessible from, the campus. This report also contains institutional policies concerned with campus security and safety, policies and procedures related to sexual assault/sexual violence, whom to contact in an emergency and how to file to student concern/incident report. For detailed emergency plans and procedures, please see the [ECC Emergency Plan](#).

Data for the *Annual Campus Crime & Security Report* are compiled and reported to the Department of Education by October 1 each year for the previous calendar year (Jan. 1 – Dec. 31). Crimes are reported by the calendar year in which they were reported, regardless of when they occurred.

To obtain a hard copy of this report, you may request one from the Office of Institutional Research, 1964 Prairie Dell Road, Union, MO 63084 or by sending an email to [institutionalresearch@eastcentral.edu](mailto:institutionalresearch@eastcentral.edu).

<sup>1</sup> U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*. 2016 Edition, Chapter 1, p.1.

## **Reportable Crimes**

Reporting of the following crimes is mandated by the Clery Act:

Murder/Non-negligent Manslaughter

Manslaughter by Negligence

Rape

Fondling

Incest

Statutory Rape

Robbery

Burglary

Aggravated Assault

Motor Vehicle Theft

Arson

The college must also disclose if any of the offenses above were categorized as hate crimes and include any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were classified as hate crimes.

In addition, the College must report incidents of domestic violence, dating violence, and stalking incidents. Also any arrests and referrals for disciplinary action for liquor law violations, drug abuse violations, and weapons violations (carrying, possessing, etc.).

East Central College must disclose crime statistics that occur:

- 1) *on campus* - "Campus" is defined in [34 CFR 668.46\(a\)](#) as "(i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor)."
- 2) *in or on noncampus buildings or property* - "Noncampus building or property," as defined in [34 CFR 668.46\(a\)](#), means "(i) [a]ny building or property owned or controlled by a student organization officially recognized by the institution; or (ii) [a]ny building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution."
- 3) *On public property within or immediately adjacent to the campus* - "Public Property" is defined in statute as "all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes." The regulatory definition of "public property" in [34 CFR 668.46\(a\)](#) includes "all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus."

## East Central College Crime Statistics

### Rolla Main (Rolla Technical Center)

<b>Criminal Offenses</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Murder/Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0
<b>Manslaughter by Negligence</b>	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0
<b>Drug Abuse Violations</b>	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0
<b>Drug Abuse Violations</b>	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Incidents/Arrests</b>									
	<b>On Campus</b>			<b>Non Campus</b>			<b>Public Property</b>		
	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	0	0	0	0	0	0	0	0	0
<b>Stalking Incidents</b>	0	0	0	0	0	0	0	0	0
<b>Hate Crimes</b>									
<b>There were no reported hate crimes for the years 2021, 2022 and 2023.</b>									

## Reporting Crimes and the ECC Emergency Plan

### To Report a Crime

East Central College requests timely and accurate reporting of crimes to the ECC Main Campus Resource Officer, local police municipality and/or Sheriff's Office. To contact the Rolla campus first responder, call 573-801-8973. To contact the ECC Main Campus Resource Officer, call 636-584-6600, or ECC Main Campus Security office may be reached at 636-368-2183.

**If a situation warrants, please call 911 to reach a local dispatching agency.**

### ECC Emergency Plan

Please see the [ECC Emergency Plan](#) for a detailed listing of key emergency personnel, specific emergency situation plans (such as, fire, tornado, hostile intruder, etc.), and emergency communication procedures.

### Sex Offender Registry

To obtain information concerning registered sex offenders, please contact local law enforcement agencies. The Missouri registered sex offender list is maintained by the Missouri State Highway Patrol [website](#).

## EMERGENCY CONTACT LIST

***Dial 911***

then

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**ECC First Responder (Rolla Main)**

**Campus Phone: 573-801-8973**

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or

**Main Campus Resource Officer/Campus Security**

**Resource Office: 636-584-6600**

### Incident/Concern Forms

To keep our students and campus safe, please inform the college of any incident here:

#### [Incident Report Form](#)

Used by Faculty and Staff to submit issues involving academic integrity, behavioral concerns, violations to student code of conduct, illness/injury, and general student complaints. Depending on the content area it is routed to either the VP of Student Development or Behavioral Intervention Team.

#### [Student Concern Form](#)

Used by students to submit concerns. Concerns are categorized either as a concern about an instructor or class or concern about something else. Instructor/class concerns are routed to the VP of Academic Affairs office and other complaints are routed to the VP of Student Development. Students have the option of submitting their concern anonymously.

#### [Care Team Referral Form](#)

Used to submit concerns about student's health, well-being, and engagement. Concerns regarding a student's mental health, illness or hospitalization, loss of a loved one, relationship concerns, housing instability or other basic need insecurities, academic engagement, and other non-academic barriers impacting a student's overall well-being may be reported here.

## **Campus Policies and Procedures Related to Sexual Assault/Sexual Violence**

East Central College is committed to maintaining an environment that is free from sexual harassment, sexual assault, and any other type of sexual violence or misconduct, including relationship violence and stalking. Such conduct is strictly prohibited by the College, and violations compromise the safety, security, and well-being of all community members.

The College is committed to educating its community members, and empowering students, faculty, and staff to speak out against sexual harassment, sexual assault, relationship violence and stalking. All members of the College community have an obligation to report any potential violations to appropriate College officials promptly. This publication is designed to guide potential victims of sexual assault, rape, acquaintance rape, and other forms of sexual violence and harassment, including stalking and relationship violence, and the individuals who provide support those victims.

For additional details, see [Board Policy 3.30, Student Protection Against Discrimination and Harassment](#) and [Board Policy 3.31, Student Title IX Sexual Harassment](#) on the ECC website or in the “Campus Safety, Security and Student Conduct Policies” section of this report.

### **What do I do if I believe I have been the victim of sexual assault or other sexual violence?**

- If you are in immediate danger, call 9-1-1. If you are on campus, you may also contact 573-801-8973 or the Main Campus Resource Officer at: 636-584-6600 or dial 6600 if using a campus phone.
- Do not take a shower, drink, eat, brush your teeth, or change/laundry your clothing, as doing any of those activities will destroy physical evidence. It is important to preserve evidence even if you are not certain you will report the assault to law enforcement.
- Obtain medical attention **immediately** if you have been the victim of sexual assault, such as rape, or other physical injury (even if you have engaged in any of the activities above that may have destroyed evidence). Seeking medical care does NOT obligate you to report the incident to law enforcement authorities.
- Consider contacting campus resources to assist you:

Title IX Administrator  
Section 504 Coordinator  
Vice President of Student Development  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
636-584-6565

Title IX Deputy Administrator  
ADA Coordinator  
Director of Human Resources  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
Phone: 636-584-6712

If you wish to speak to someone at the College confidentially, you may contact the College’s counselors at 636-584-6580 or after hours crisis numbers:

- BHR (Behavioral Health Response) call 988 or 314-469-6644
- National Suicide Prevention Hotline call 988 or 1-800-273-TALK (8255)
- Life Crisis Services hotline calls 314-647-HELP
- Consider contacting law enforcement authorities.
- Record all of your memories from the incident in writing. If you have been subjected to stalking, keep documentation of all related communications, including emails, voice messages, texts, and social media posts.

## **What should I do if a friend has been the victim of sexual harassment, including sexual assault or other sexual violence?**

- Listen to your friend and try not to insert your own judgments into the situation. Give your friend an opportunity to share the full story with you.
- Help your friend contact appropriate resources on campus to report the incident and/or obtain help.
- Avoid making decisions on your friend's behalf.
- Recognize that your friend may need support from a person specifically trained to deal with these sorts of situations and assist them in obtaining that support when appropriate.

## **How do I file a report?**

East Central College encourages you to promptly report any incident of sexual harassment, sexual assault, and any other type of sexual violence or misconduct, including relationship violence and stalking to the College officials identified herein regardless of whether the conduct occurred on or off campus. Even if the accused is a student or staff member of the College, filing such a report does not obligate you to charge the accused under the College's disciplinary procedures, such as the Student Disciplinary Policy, nor does it obligate you to file a police report. If you choose to do so, the College will assist you in reporting the incident to local law enforcement, but such a report is not required. If you need assistance or support in filing a complaint please contact the Campus Police or the Vice President of Student Development. If you choose not to report your complaint to law enforcement, the College strongly encourages you to make an anonymous report to College officials. Submitting such a report enables the College to better protect the safety and security of the College community. Please contact a College Counselor to make a confidential report.

If you decide to officially report an incident to the College, we will meet privately with you to discuss your report. If you prefer to have that conversation with a friend or other advocate present, we will work with you to accommodate that request. Your parents will not be notified without your consent, and you will not be blamed for what has occurred. The College will assist you in arranging for medical treatment, and in contacting counseling services should you so desire. The College also encourages you to report what has happened to local law enforcement, and to consider whether to file for an Order of Protection, a No-Contact Order, or a Restraining Order. Such Orders are enforced by the law enforcement, but individuals who obtain such Orders are encouraged to notify Campus Security. The College pledges to fully and fairly investigate your case and bring it to resolution as efficiently as possible.

You may also choose to speak confidentially with a College counselor. College counselors are the only College employees who are not required to notify the College's Title IX Coordinator of allegations of sexual harassment, sexual assault, and any other type of sexual violence or misconduct, including relationship violence and stalking, that affect the College community.

## **Student Conduct Code**

The East Central College Student Conduct Policy sets forth multiple offenses related to sexual assault, sexual harassment, sexual violence, and stalking that may be subject to disciplinary action. See [Board Policy 3.20 Student Conduct](#) on the website or in the "Campus Safety, Security and Student Conduct Policies" section of this report.

## **What Training and Educational Resources Does the College Provide?**

In addition to the information contained in this Policy, the College will, in accordance with the Campus Sexual Violence Act ("SaVE Act"), provide training and information to members of the campus community regarding the following topics:

1. Safe and positive steps an individual may take to intervene to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against another person;
2. Information about how to recognize warning signs of abusive behavior in order to mitigate the likelihood of

perpetration, victimization, or bystander inaction;

3. Awareness campaigns and prevention programs intended to stop domestic violence, dating violence, sexual assault, and stalking before they occur, and to increase campus awareness and share information and resources for the same purpose;
4. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both within the institution and in the community;

### **What Community Resources Are Available to Victims of Sexual Assault, Relationship Violence and Stalking?**

Below is a list of some of the resources available to students. ECC College Counselors can assist you in determining available resources.

#### Franklin County Area:

- ALIVE – Domestic Violence services, counseling, court 636-583-5700
- BHR (Behavioral Health Response) 988 (Suicide & Crisis Hotline) or 314-469-6644
- Bridgeway Counseling Services 636-224-1400
- Sexual Assault Center 314-531-RAPE or 314-531-7273

#### Rolla Area:

- Rape and Sexual Assault Hotline 573-426-4687



## **Campus Safety, Security and Student Conduct Policies**

### **Policies Included in Report:**

- [3.4 Program Admission Policy](#)
- [3.27 Communicable Diseases Policy](#)
- [3.20 Student Conduct Policy](#)
- [3.21 Student Discipline Policy](#)
- [3.25 Drug and Alcohol Policy Abuse Prevention Policy](#)
- [3.23 Student Right-to-Know and Campus Security Act Policy](#)
- [3.30 Student Protection Against Discrimination and Harassment](#)
- [3.31 Student Title IX Sexual Harassment](#)
- [4.28 Security and Access to College Facilities](#)
- [4.44 Safety Policy](#)
- [4.45 Weapons](#)
- [4.46 Reporting Crimes and Emergencies](#)
- [5.22 Employee Conduct and Discipline](#)
- [5.18 Protection Against Sexual Harassment](#)
- [5.2 Criminal Background Check](#)
- [5.16 Drugs and Alcohol Free Workplace](#)

*Note: Click [here](#) to see full policy manual.*

### **3.4 Program Admission**

*(Adopted 5-9-2005; Revised 12-6-2021)*

The faculty, staff, and Chief Academic Officer will devise, implement, and monitor an objective, timely and nondiscriminatory method for selecting applicants for admission to specific College programs with admissions criteria. These programs are identified annually in the course catalog. The selection process and criteria will be made available to interested parties in the departmental offices or academic advisement.

**Procedures:** (Adopted 5-31-2007)

#### **3.4.1 Criminal Background Check/Drug Screening**

In response to external agency requirements and as a condition of required participation in activities at these agencies, students in designated programs must consent to a criminal background check and/or drug screening and must be responsible for all costs involved.

Students who do not consent to or do not pass the drug screening cannot remain a student in the designated program. Any information derived from the criminal background check and/or drug screening will not result in disciplinary action by the College, nor will it be made part of the student's College record. The student may remain enrolled at the College and continue in another program that does not have a criminal background and/or drug screening examination requirement.

#### **3.27 Communicable Diseases**

*(Revised 5-12-2008; revised 8-25- 2014, 3-7-2022)*

The College will take appropriate action to minimize the risk of transmission of communicable diseases and to maintain a safe campus and educational environment. Some College departments have additional restrictions and procedures that must be followed due to the nature of the educational environment.

**Procedures:**

**3.27.1 Definitions** *(Revised 8-25-2014, 3-7-2022)*

The following definitions apply to this Policy:

**Communicable Disease** – An infectious disease that is capable of transmission to other individuals through close contact, exposure to routine secretions, and/or physical proximity on a college campus. A communicable disease may be acute (short-term) or chronic (long-term). For purposes of this Policy, this term is not intended to include diseases for which transmission is virtually eliminated as a result of the application of standard universal precautions or other effective measures.

**Assessment Team** – A multi-disciplinary team convened to review and assess the student’s communicable disease and its effect on the College community.

**Others or Others in the College Community** – Employees, students, and visitors to the College or any of its satellite facilities or properties.

**Epidemic** – The occurrence in a community or region of cases of an illness clearly in excess of normal expectancy.

**Pandemic** – A disease epidemic that has spread across multiple continents or worldwide.

**3.27.2 Disclosure** *(Revised 8-25-2014, 12-6-2021, 3-7-2022)*

A student who becomes aware that they have or may have a communicable disease of public health concern shall self-report this information to the Chief Student Affairs Officer or designee. A College employee who has personal knowledge that a College student has or may have a communicable disease of public health concern must also report this fact to the Chief Student Affairs Officer or designee.

**3.27.3 Assessment** *(Revised 8-25-2014, 12-6-2021)*

Upon receipt of a report that a student has or may have a communicable disease, the Chief Student Affairs Officer is authorized to temporarily exclude the student from College property until a multi-disciplinary team (“Assessment Team” or “Team”) is convened to review and assess the student’s condition.

The Assessment Team will be composed of the following: (1) the Chief Student Affairs Officer or designee; (2) a physician or other consultant with knowledge of the particular disease, selected by the College; (3) the student’s health care provider; and (4) other College representatives as appropriate. The student and/or their representative will be involved in the assessment process, but the decision on how the situation will be handled will be determined by the College.

The Chief Student Affairs Officer must convene the Team within five (5) working days after receiving a report that a student has or may have a communicable disease. Members of the Team are responsible for arranging their schedules to meet at the time and place designated by the Chief Student Affairs Officer. Because of the importance of addressing the communicable disease promptly, this meeting will not be rescheduled because of the unavailability of one or more members. However, members of the Team may participate remotely upon giving advance notice to the Chief Student Affairs Officer.

The Team will assess, review, and consider the following: (1) the student's condition; (2) the present and future risk of transmission to others; (3) the existence and practicality of implementing precautions, methods, and strategies to eliminate or reduce the risk of transmission to others; (4) the restrictions, if any, that will be required to prevent the student from creating the risk of transmission to others; (5) whether the student should be excluded (or continue to be excluded) from College premises, and, if so, whether alternative educational arrangements can be made; and (6) if warranted, the date upon which the Team will reconvene to reassess the matter.

The Team will make a determination regarding the student's exclusion (or continued exclusion) from the College and/or the conditions or restrictions on the student's return to the College (if any) within three (3) working days after it has convened. The Team's determination will be documented in writing and the Chief Student Affairs Officer shall provide written notice of the determination to the student and President of the College.

If the student's condition is chronic or persists for more than a short, definable period, the Team shall reassess its determination as often as the Team deems appropriate.

This assessment process is not intended to limit or otherwise inhibit the right of the College to contact the local health authority or other public health official for guidance or direction in handling a communicable disease situation. Directives or orders from public health officials shall supersede the assessment process in this Policy.

#### **3.27.4 Consent**

To aid in its assessment, the Team may request that the student provide a HIPAA compliant authorization that permits the Team to communicate with the student's health care provider(s) regarding the status and effect of the student's communicable disease. In addition, the Team may require the student, at the College's expense and in accordance with law, to undergo a physical examination and/or medical tests that are narrowly tailored to assist the Team in determining whether the student still has a communicable disease. A student who refuses to provide consent to enable the Team to communicate with the student's health care provider(s) or to undergo the required examination/tests may be subject to exclusion from College property, as permitted by law, until such time as consent is provided or the Team determines that the student may return in accordance with this Policy.

#### **3.27.5 Return to the College** *(Revised 8-25-2014)*

The Team is authorized to decide that the student may return to the College if it determines that one or more of the following is true:

1. The student never had or no longer has the communicable disease, or
2. The communicable disease is not in the infectious or contagious stage, or
3. The communicable disease poses little to no risk of transmission in the College environment upon the application of universal precautions or other effective measures.

#### **3.27.6 Appeal** *(Revised 8-25-2014, 12-6-2021)*

The student may appeal the Team's determination to the President of the College in writing within three (3) working days of the receipt of the Team's decision. The student shall set forth in writing the reasons why the Team's decision should be modified or reversed. As part of the appeal process, the President is entitled to review all documentation produced and considered by the Team. Upon conclusion of this review, the President will issue a written decision to the Team and the student. The President's decision shall be final. However, if the student believes that the actions under this Policy were taken in violation of Section 504 of the Rehabilitation Act of 1974 ("Section 504") or the Americans with Disabilities Act ("ADA"), the student is permitted to submit an appeal by proceeding to the final level of the College's grievance Policy on Section 504/ADA complaints. A copy of that Policy may be obtained from the College's Compliance Coordinator for these laws, whose contact information is as follows:

Chief Student Affairs Officer  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
Phone: 636-584-6565

A student who is unable to resolve a problem or grievance under Section 504 or the ADA has the right to file a complaint with the Office for Civil Rights for the United States Department of Education, 1010 Walnut Street, Suite 320, Kansas City, MO 64106; phone 816-268-0550.

### **3.27.7 Confidentiality** *(Revised 8-25-2014)*

Students with communicable diseases have a right to privacy and a need for confidentiality of their medical information. Therefore, to preserve this right, the following rules will apply:

1. The student's medical condition and related information may be disclosed only to those individuals who need to know the information to implement this Policy, to assure that proper care is provided, and/or to detect/monitor situations in which the potential for transmission of the communicable disease may increase, as well as to those individuals who are otherwise authorized to receive, or who must receive, this information under law.
2. The student's medical information shall be retained in a file separate from the student's other records. This separate file shall be maintained by the Chief Student Affairs Officer.
3. Willful, negligent, or unauthorized disclosure of information about a student's medical condition will be cause for remedial or disciplinary action, up to and including dismissal.

### **3.27.8 Epidemics/Pandemics** *(Adopted 3-7-2022)*

Should any disease reach an epidemic or pandemic stage, the College will review and monitor the situation and rely on information and guidance from local, state, and federal authorities to provide appropriate information to the College community. The College President may temporarily close the College if such closure serves the best interest of the College community. In addition, the College President may institute quarantine or isolation protocols; restrict travel to high-risk locations; limit access to facilities; institute measures such as social distancing, enhanced cleaning protocols, and suspension of classes; and/or implement other measures to mitigate disease transmission as recommended by local, state, and federal public health officials. The College President will establish a return to campus plan for all students that supersedes the procedures above.

## **3.20 Student Conduct**

*(Revised 5-7-1973; Reaffirmed 12-2-1991; Revised 8-28-2003, 6-16-2014)*

Admission to East Central College carries an obligation to conduct oneself as a responsible member of the College community. Individual students and student organizations are required to observe the policies of the College and the laws of city, state, and federal governments. Student and organizational behavior must be compatible with the educational objectives of the College thereby maintaining safety standards and promoting the health and wellness of each member of the College community. Students are expected to approach each academic course and activity with a willingness to learn and an attitude of cooperation. Students and student organizations are expected to uphold the key principles of honor, truthfulness, and respect for people and property. Prohibited conduct will lead to student discipline.

**Procedures:** *(Revised 5-12-2008; Revised 8-2012, 6-16-2014, 12-6-2021)*

### **3.20.1 Prohibited Conduct:**

- A. Violations of standards established by College academic programs for student conduct in areas and classes such as the gym, fitness center, locker rooms, clinical settings, labs, shops, and internships.
- B. Violation of or disregard for safety policies and procedures, e.g., lab safety contract.
- C. Violation of Policy 4.31 Tobacco-Free Campus.
- D. Violation of Policy 4.45 Acceptable Use of Technology.
- E. All forms of academic dishonesty such as cheating, aiding or abetting cheating, plagiarism, fabrication, or multiple submission of papers in courses without prior instructor consent, or representation of others' work as one's own. (Refer to Academic Honor Code.)
- F. Knowingly furnishing false information to the College.
- G. Forgery, alteration, or misuse of College documents, records, or identification, whether in written or electronic form.
- H. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or any other College events or activities, including public service functions and other authorized activities on College premises.
- I. Disturbing others with strong, pervasive odors such as perfume, cologne, body odor, animal odor, alcohol, or illegal substances.
- J. Assault, abuse, or conduct that threatens or endangers the health or safety of another person on College-owned or controlled property or at a College-sponsored or supervised function.
- K. Theft, malicious destruction, damage, misuse, or conversion of property belonging to the College, a College employee, a College student, or a campus visitor.
- L. Unauthorized entry into or use of College facilities.
- M. Violation of local, state, or federal laws on College-owned or controlled property or at College-sponsored or supervised functions.
- N. Violation of Policy 3.25 Drugs and Alcohol Abuse Prevention.
- O. Failure to identify oneself when requested to by College officials or College agents or failure to comply with directions of College officials acting in the performance of their duties.
- P. Possession or use of firearms or other weapons, explosives, dangerous chemicals, or fireworks on campus or at College-sponsored or supervised activities.
- Q. Gambling on College-owned or controlled property or at College-sponsored or supervised functions. Charitable or fund-raising raffles may be permitted for student organizations with the approval of the Chief Student Affairs Officer.
- R. Violation of Policy 3.30 Student Protections Against Discrimination and Harassment or Policy 3.31 Student Title IX Sexual Harassment.
- S. Violation of College policies regarding discrimination and harassment.
- T. Disorderly conduct, breach of public decency, breach of the peace, aiding or inciting another to breach the peace, infringement upon the rights of another, or defamation of another either on College property or at College-authorized activities.
- U. Hazing, or any act that intimidates, frightens, or degrades an individual.
- V. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally.
- W. Stalking, defined as engaging in a course of conduct directed at a specific member of the College community that would cause a reasonable person to fear for personal safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition, a course of conduct means that two or more acts, including,

but not limited to, acts in which the stalker directly, indirectly, or through third parties by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Stalking may involve physical stalking and/or cyber stalking.

- X. Any aforementioned act committed in concert with other persons may make each participant responsible for the acts of the entire group.

**3.20.2** Jurisdiction for this Policy applies to student conduct that occurs on all property owned, operated, or maintained by East Central College as well as actions that occur off-campus when the misconduct affects the well-being of students and other members of the College community.

### **3.21 Student Discipline**

*(Revised 5-1-1989; Reaffirmed 12-2-1991; Revised 8-28-2003; Reaffirmed 6-16-2014)*

All students are expected to meet the expectations of College administrators and faculty and the norms of a civil society and to avoid prohibited conduct (see Policy 3.20 Student Conduct). If the need for student discipline arises, students can expect due process as defined by the following procedures.

**Procedures:** *(Revised 12-6-2021)*

#### **3.21.1 Definitions** *(Revised 6-16-2014)*

The following definitions apply to this Policy:

1. Chief Student Affairs Officer (CSAO) – The administrator responsible for student services such as counseling and advising.
2. Chief Academic Officer (CAO) -The administrator responsible for the oversight and direction of academic programs and faculty.
3. Hearing Committee – A five-member committee called upon for hearings whose membership includes two (2) faculty, two (2) administrative/professional staff, and one (1) support staff member. The CSAO and the CAO are not voting members of the hearing committee, but they are nevertheless involved in the hearing. The CSAO will preside over and the CAO will present the charges at all hearings where the misconduct does not involve an academic issue. If the misconduct involves an academic issue, their roles will be reversed.
4. Sanctions – Any action taken during the institutional discipline process, not including those actions an instructor may take within the classroom in cases of academic dishonesty such as assigning a lowered or failing grade for the assignment or class.

**3.21.2** In most cases, disciplinary actions are meant to be remedial rather than punitive. Ideally, disciplinary proceedings will be conducted informally between the student(s) and the CSAO. However, when this means of resolution is not possible, a student has the right to formal processes of discipline and appeal.

#### **3.21.3 Possible Sanctions** *(Revised 8-2012, 6-16-2014, 12-6-2021)*

1. Warning: A verbal admonition by a College official regarding a violation of the Student Conduct Code.
2. Fines, community service, rehabilitation, or other restitution: A monetary fee, assigned task, or other means of reparation.
3. Disciplinary Probation: A status resulting from a finding of misconduct. The student remains enrolled but under stated conditions.
4. Summary Suspension: An involuntary and immediate separation of the student from the institution when, in the judgment of the CAO, CSAO, and/or President, the student presents the potential for behavior dangerous

or destructive to themselves, others, or College property. Such suspension will be for a limited time until further disciplinary determination is made.

5. **Disciplinary Suspension:** An involuntary separation of the student from the institution for a specified period of time due to misconduct. The student may be re-admitted following a specified period of time.
6. **Expulsion:** Permanent loss of student status due to misconduct. Other stated conditions may be applied.

#### **3.21.4 Formal Student Disciplinary Process (Revised 12-23-2014)**

Students subject to sanctions will be accorded the opportunity for a hearing before a hearing committee. For a hearing to be held, the student is required to submit a written request for a hearing (electronic submission is acceptable) to the CSAO or designee within five (5) working days. The following guidelines will be applicable:

1. Students will be informed in writing of the time, date, and location of the hearing by personal delivery, certified mail, or via electronic communication at least seven (7) working days in advance of the hearing.
2. The entire case file will be available for inspection by the student in the office of the CSAO during normal business hours. The file, which should be available at least two (2) working days before the hearing, need not include the personal and confidential notes of any College official or participant in the hearing process.
3. The hearing will be conversational and non-adversarial. Formal rules of evidence will not apply. The CSAO or designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
4. The student may choose to be assisted by a member of the faculty or staff of the institution. Furthermore, the student may be accompanied by legal counsel, although the role of legal counsel will be limited to providing legal advice to the student, and such legal counsel may not participate in any other way.
5. Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the hearing, as well as to present relevant evidence. In some circumstances, including those involving sexual assault or other sensitive allegations, the CSAO or designee may determine that direct questioning of a witness by the student or the individual assisting the student is not appropriate. In those cases, the student or their representative will submit the questions to the CSAO or designee, who will then ask the questions.
6. Whenever possible, the student will be expected to respond to questions asked by the CSAO or designee.
7. If the student requests a hearing and fails to appear after proper notice, the hearing committee may either proceed with the hearing in the student's absence or may make a decision without holding a hearing.
8. The hearing will be recorded. The recording(s) shall be kept with the pertinent case file for a minimum of six (6) months.
9. A written decision will be rendered by the hearing committee within five (5) working days after the completion of the hearing. The written decision, which should be mailed or personally delivered to the student, should contain a brief statement of reasons for any determination leading to sanctions. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The decision of the hearing committee will be final unless a timely appeal is made to the College President.

**3.21.5** A student who wishes to appeal a disciplinary decision must do so within 30 calendar days of the notice of the written decision of the hearing committee by filing a written appeal with the College President. The written notice to the President should state the basis for the appeal.

1. An appeal is limited to the following issues:
  - A. Prejudice or other irregularities that improperly influence the outcome of the disciplinary hearing.
  - B. Discovery of new or significant evidence that was not available at the time of the original hearing.

- C. A sanction that is extraordinarily disproportionate to the violation.
2. The College President will meet with the student and render a decision within seven (7) days. The decision of the President will be final.
  3. In all non-grade appeals, the student may choose to withdraw from College or the class at any time during the disciplinary process.

### **3.25 Drug and Alcohol Abuse Prevention**

*(Reaffirmed 12-2-1992; Revised 11-5-2001, 12-6-2021)*

East Central College prohibits the manufacture, distribution, dispensation, possession, or use of a controlled substance or an imitation controlled substance and the possession, use, or distribution of alcoholic beverages (except as specified in Board Policy 4.42) on any East Central College-owned or controlled property or at College-sponsored functions.

**Procedures:** *(Revised 5-12-2008, 12-6-2021)*

**3.25.1** Definition: An imitation controlled substance is a substance that is not a controlled substance, which by appearance (including color, shape, size, and markings) or by representations made, would lead a reasonable person to believe that a substance is a controlled substance.

**3.25.2** Violations of this Policy will result in disciplinary actions, up to student expulsion, and may have legal consequences. Certain violations could result in the involvement of civil law enforcement authorities.

**3.25.3** The College complies with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i) and the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8101 et seq.). Although medical marijuana is legal in Missouri, it is still considered illegal under federal law as a “Schedule I” drug. As such, the distribution, possession, and consumption of medical marijuana are prohibited on property owned or operated by the College or its affiliates.

**3.25.4** The College recognizes drug and alcohol abuse as a potential health, safety, and security problem and recognizes dependency as an illness for which there is effective treatment.

Students needing help in dealing with such problems are encouraged to use the College’s counseling services for referral assistance for treatment centers.

### **3.23 Student Right-to-Know and Campus Security Act Compliance**

*(Revised 4-7-2003)*

East Central College will comply with all federal and state statutes and regulations concerning student right-to-know, including Public Law 101-524, The Student Right-to-Know Act and Campus Security Act, as amended by Public Law 102-26, The Higher Education Technical Amendments. Detailed information regarding these statutes and regulations is available from the Chief Student Affairs Officer.

### **3.30 Student Protection Against Discrimination and Harassment**

*(Adopted 6-16-2014)*

East Central College is committed to maintaining an educational environment that is free from illegal discrimination or harassment in admission or access to its programs, activities, and facilities. This includes conduct on property owned



or operated by the College, at College-sanctioned functions, and certain off-campus events. Discrimination, harassment, or retaliation against students or others on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, disability, age, genetic information, veteran status, or any other characteristic protected by law is strictly prohibited in accordance with law. The College also prohibits:

1. Retaliatory actions based on making complaints of prohibited discrimination or harassment or based on participation in an investigation, formal proceeding, or informal resolution concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling, or coercing discrimination or harassment.
3. Discrimination or harassment against any person because of such person's association with a person protected from discrimination or harassment due to one (1) or more of the above-stated characteristics.

### **General Rule**

Except as otherwise set forth in Policy, all employees, students, and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment.

This Policy addresses illegal discrimination or harassment directed at students, which does not rise to the level of sexual assault, sexual harassment, relationship violence, or stalking, as those terms are defined in Policy 3.31 Student Title IX Sexual Harassment. Complaints regarding sexual harassment, as defined by Policy 3.31 Student Title IX Sexual Harassment, are governed by that policy. Other complaints regarding sexual assault, relationship violence, or stalking that do not fall within the scope of Policy 3.31 Student Title IX Sexual Harassment may be governed by other policies, including this Policy.

Policy 3.29 Student ADA Grievance Process governs grievances by students who believe they have been denied requested accommodations or discriminated against on the basis of a disability in violation of the Americans with Disabilities Act, Sec 504 of the Rehabilitation Act, or other related disability statutes. Students may file such a grievance under this Policy 3.30, Policy 3.31, or Policy 3.29; the College's Compliance Officer will determine which Policy governs resolution of the specific complaint.

The College also prohibits illegal discrimination and harassment against employees, and specific information about the College's Policy and response to allegations of illegal discrimination and harassment against employees is found in Policy 5.4.

**Procedures** (Revised 12-6-2021):

#### **3.30.1 The following definitions apply to this Policy:**

Other Policies may contain different definitions. The below definitions apply only to this Policy.

**Discrimination** – Conferring, refusing, or denying benefits or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status, or any other characteristic protected by law.

**Harassment** – A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status, or any other characteristic protected by law: verbal, nonverbal, or physical aggression; stalking; graffiti; display of written material or pictures; name-calling; slurs; jokes; gestures; stereotyping; threatening, intimidating or hostile acts; theft; or damage to property.

**Sexual Harassment** – A form of discrimination, as defined above, on the basis of sex. Sexual harassment, which includes sexual assault, includes a variety of unwelcome conduct of a sexual nature ranging from unwelcome sexual advances, requests for sexual favors, sexual exploitation, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault, that is sufficiently severe to the point it interferes with or limits a student's ability to participate in or benefit from the College's programs. Sexual assault is a severe form of sexual harassment and one instance may be sufficient to create a hostile environment.

**Complaint** – A verbal or written report of discrimination or harassment made to the Compliance Officer.

### **3.30.2 Compliance Officers**

The Board of Trustees designates the following individuals to act as the College's Compliance Officers:

Title IX Administrator

Section 504 Administrator

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Vice President of Student Development

East Central College

1964 Prairie Dell Road

Union, MO 63084

Phone: 636-584-6565

Title IX Deputy Administrator

ADA Administrator

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Director of Human Resources

East Central College

1964 Prairie Dell Road

Union, MO 63084

Phone: 636-584-6712

The Compliance Officer will:

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding discrimination and harassment at East Central College.
3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints, monitor the status of complaints, and recommend consequences.
5. Seek legal advice, when necessary, to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding changing this Policy or the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes discrimination and harassment.
9. Perform other duties as assigned by the College President.

### **3.30.3 Reporting a Complaint**

Students who believe that they have been victims of illegal discrimination or harassment may file a formal (verbal, written, or online) complaint with the Chief Student Affairs Officer (CSAO) and it will be promptly investigated. There is no time limit on the filing of complaints.

As noted above, all employees, students, and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment. Such reports should be made to the CSAO or the Director of Human Resources, as the College's Compliance Officers. All College employees will instruct persons seeking to make a complaint under this Policy to communicate directly with the College Compliance Officers. Even if the potential victim of discrimination, harassment, or retaliation does not file a complaint, College employees are required to report to the Compliance Officers any observations, rumors, or other information regarding actions prohibited by this Policy.

After receiving a complaint, the Compliance Officer to whom the complaint is made will determine the appropriate College Policy for processing the complaint. Once the determination is reached, the Compliance Officer will notify the student making the complaint of which College Policy will govern the disposition of the student's complaint.

### **3.30.4 Interim Measures**

When a report is made or the College otherwise learns of potential discrimination, harassment, or retaliation, the College will, if appropriate, take immediate action to protect the alleged victim, including implementing interim measures (also referred to as supportive measures). For example, the College may alter a student's class schedule, provide additional support for a student (such as counseling or academic support), suspend an employee pending an investigation, or, if applicable, alter transportation or working situations. The College will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees, and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. The College will provide these types of interim measures if requested by the victim and if such measures are reasonably available and appropriate in the circumstances. Individuals are encouraged to speak with the College's Compliance Officers about the availability of such measures. In the case of a confidential reporting (discussed below in Procedure 3.30.6), the Reporting Party should speak with the College counselor to whom they made the report about any requested interim measures.

### **3.30.5 Procedure for Investigation and Resolution of Complaints**

In determining whether alleged conduct constitutes discrimination or harassment, the College will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred, and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all facts and surrounding circumstances. If, after investigation, College officials determine that it is more likely than not that discrimination, harassment, or other prohibited behavior has occurred, the College will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview the person making the complaint regarding the nature and specifics of the incident(s),
  2. Interview the person accused, and
  3. Interview other possible witnesses, if appropriate.
- A. **Complaints Against Employees of the College** If a complaint under this Policy is against an employee of the College, the complaint will be investigated by the Director of Human Resources or designee and will be handled according to the procedures found in Policy 5.4. Employees who violate this Policy will be disciplined, up to and including employment termination.
- B. **Complaints Against College Students** If a complaint under this Policy is against another student, the complaint will be investigated by the CSAO or designee. Both the person making the complaint and the person accused will have equal opportunity to provide relevant information, including the identities of any witnesses they believe should be contacted as part of the investigation. After reviewing all the relevant information, the CSAO or designee will render a determination as to whether the Policy was violated and what additional actions may be necessary, including disciplinary action against the person accused and/or making available to the victim appropriate College resources. Students who violate this Policy will be disciplined, which may include suspension or expulsion. Other possible sanctions are found in the Student Discipline Code. The CSAO will notify both the complainant and the person accused of his or her determination, but, unless otherwise authorized by law, will only notify the complainant of any sanctions imposed against the accused student, to the extent such sanctions impact the complainant, such as a determination that the accused may not come within a certain distance of the complainant.
- B.1. **Appeals** If either the person making the complaint or the person accused disagrees with the CSAO or designee's determination, either student may request that the complaint be handled according to the procedures found in Policy 3.21 Student Discipline.

### **3.30.6 Confidentiality, Records and Counseling**

To the extent practicable, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses, or other parties interviewed, and any complaint or other document that is generated or received pertaining to complaints. Information may be disclosed, if necessary, to further the investigation, or resolution of a complaint, or if necessary, to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others, when necessary, to enforce this Policy or when required by law.

In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records.

Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

Any student who believes they have been a victim of illegal discrimination or harassment has the option of speaking confidentially to a College counselor. Counseling services are available at no cost to the student and referrals to community resources are available. College counselors can also help the alleged victim identify other available College resources.

All other employees are mandated to report the information regarding illegal discrimination or harassment to the Compliance Officer.

### **3.31 Student Title IX Sexual Harassment**

*(Adopted 8-31-2020)*

#### **Statement of Nondiscrimination Policy and Prohibition on Sexual Harassment**

East Central College is committed to maintaining an environment that is free of discrimination on the basis of sex within its educational programs and activities. The College cannot and will not tolerate discrimination against or harassment of any individual or group based upon race, sex, color, religion, ethnic or national origin, genetic information, age, disability, sexual orientation, gender identity, gender expression, veteran's status, or any factor that is a prohibited consideration under applicable law. The prohibition on sex discrimination also prohibits Sexual Harassment, as defined in this Policy.

The Nondiscrimination Policy applies to registered or enrolled students, College employees, contractors, vendors, visitors, guests, or other third parties.

**Procedures** *(Adopted 8-31-2020)*

#### **3.31.1 Scope of Title IX Sexual Harassment Grievance Process**

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

All members of the East Central College community have the right to submit a complaint or raise concerns regarding Sexual Harassment under Title IX pursuant to this Policy without fear of retaliation.

A complete copy of the College's Title IX Sexual Harassment Policy can be accessed online. Hard copies are available at the Title IX Coordinator's office and the Title IX Deputy Coordinator's office.

Complaints that do not fall under the scope of this process will be handled through other College Policies, including Policy 3.20 Student Conduct and Policy 3.30 Student Protection Against Discrimination and Harassment.

#### **3.31.2 Definitions**

The following definitions apply to this Policy. Other Policies may contain different definitions. The below definitions apply only to this Policy.

Sexual Harassment – Sexual Harassment is conduct based on sex that may be one or more of the following:

1. Employee conditioning provision of aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., a quid pro quo).

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
3. Sexual assault, stalking, dating/domestic violence, as defined herein.
  - Sexual Assault – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
    - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person
    - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person
    - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object
    - Touching of another person's genitals or breasts under or over the clothing
    - Touching of one person with the genitals of another person under or over the clothing
  - Domestic Violence – Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media.
  - Dating Violence – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Complainant – A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy, in connection with the individual's participation in or attempt to participate in an educational program or activity of the College. A Complainant may be a student, an employee, or a third party.

Respondent – A Respondent is an individual who is purported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent need not be affiliated with the College in any respect.

Title IX Advisor – A Title IX Advisor is an individual who supports a Complainant or Respondent through the Title IX Sexual Harassment Grievance Process. Each party has the right to select an advisor of their choice, and for that advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. A Title IX Advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as advisor. The College will appoint a Title IX Advisor at no cost to the party to conduct cross-examination during the grievance process hearing if a party does not have a Title IX Advisor.

Consent – An affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. The person initiating sexual activity must obtain the other person's consent throughout the duration of the sexual activity. Consenting persons must act freely, voluntarily, and have knowledge of the act or transaction involved. Consent will not be implied by silence or mere passivity from a state of intoxication or unconsciousness; it may not be inferred in circumstances in which consent is not clear, including, but not limited to situations that involve the absence of "no" or "stop," or those that involve the existence of a prior or current relationship or sexual activity. Consent cannot be given if the Respondent has taken advantage of a position of influence which that person has over the Complainant. Consent cannot be given by an individual who is incapacitated through the effect of drugs or alcohol or for any other reason. Consent may be withdrawn at any time.

### **3.31.3 Title IX Coordinator**

The Title IX Coordinator is charged with monitoring East Central College's compliance with Title IX, ensuring appropriate education and training, coordinating investigations, responses, and resolution of all reports pursuant to this Policy. At their discretion, the Title IX Coordinator may also designate Deputy Title IX Coordinators to assist in the discharge of these duties.

Any questions or concerns regarding the College's application of this Policy may be addressed to the Title IX Coordinator.

The Title IX Coordinator and Deputy Title IX Coordinator may be reached in person during regular office hours, or by telephone, written correspondence, email, or other electronic communication at any other time.

Sarah Leassner  
Title IX Coordinator  
Section 504 Administrator  
Vice President of Student Development  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
636-584-6565  
[sarah.leassner@eastcentral.edu](mailto:sarah.leassner@eastcentral.edu)

Wendy Hartmann  
Title IX Deputy Coordinator  
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East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
636-584-6712  
[wendy.hartmann@eastcentral.edu](mailto:wendy.hartmann@eastcentral.edu)

### **3.31.4 Resources and Information for Victims of Sexual Harassment**

The first priority for any victim of sexual assault or relationship violence is to receive appropriate medical attention for any medical injuries and to preserve evidence in the event the Complainant chooses to pursue a complaint. The College will maintain and publish information containing resources and guidance for victims of sexual assault, relationship violence, and stalking. Such information will be maintained in the College's Annual Security Report and the College's Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies will also be maintained by the College's Title IX Coordinator, who will make such information available to any interested person.

### **3.31.5 How to Report Potential Violations of This Policy**

1. Reporting Options The College encourages the reporting of all incidents of Sexual Harassment, including, but not limited to, sexual assault, relationship violence, and stalking. The decision to report such incidents is a deeply personal and often difficult decision but is often a way for the victim to begin healing. Such reporting may also help prevent future incidents of a similar nature from occurring. Victims are not required, however, to report such incidents, and will not be penalized if they choose not to report an incident to law enforcement or to the Title IX Coordinator.
  - a. *Report to the Title IX Coordinator or to a Responsible Employee* Individuals who believe they have been subjected to, or are aware that another individual has been subjected to, Sexual Harassment in connection with a College education program or activity, and who wish to report a potential violation of this Policy should notify the Title IX Coordinator or Deputy Title IX Coordinator. Reports can be made through email, by phone, in person, or by mail. Upon receipt of any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, explain the process for filing a formal complaint, and to provide information about other reporting options and available resources as applicable. While reports to College counselors will remain confidential, all other employees are required to report the information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence, or stalking to the Title IX Coordinator. Reporting Sexual Harassment to the Title IX Coordinator does not automatically start the

grievance process – the Title IX Coordinator will explain to the Complainant how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Harassment in order to obtain supporting measures and resources – an individual making a report of Sexual Harassment is not required to file a Formal Complaint. There is no time limit on reporting Sexual Harassment, though the College encourages prompt reporting, as delayed reporting may hinder the College’s ability to complete the grievance process.

- b. *Confidential Reporting* Individuals may make a confidential report to a College counselor. Counseling services are available at no cost to students and referrals to community resources are available. College counselors can also help the alleged victim identify other available College resources. All other employees are mandated to report the information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence, or stalking to the Title IX Coordinator and cannot keep reports confidential. The College will keep confidential the identity of Complainants, Respondents, and witnesses involved in Title IX hearings, except when disclosure is required by law or as necessary to carry out the purposes of this Policy.
  - c. *Other Reporting Options and Resources* Individuals may make a criminal report with local law enforcement or appropriate jurisdiction. College personnel are available to assist individuals with contacting the appropriate jurisdiction for making such a report. In addition to pursuing criminal or College disciplinary proceedings, individuals may wish to obtain an order of protection, no-contact order, or restraining order from the relevant jurisdiction. Such orders are enforced by the local law enforcement agency in the relevant jurisdiction.
  - d. *Amnesty* In investigating and responding to complaints of Sexual Harassment, the College’s primary focus is to address the Sexual Harassment, and, in most cases, the College will grant amnesty to a Complainant or witness for other potential violations, such as alcohol violations. Such potential violations should not discourage a Complainant from notifying the College of incidents of Sexual Harassment.
2. Offer and Provision of Supportive Measures Upon receipt of a report, the Title IX Coordinator will promptly and confidentially reach out to the Complainant to discuss the availability of a variety of supportive measures (also referred to as interim measures). Supportive measures should also be offered to the Respondent as necessary and appropriate. Supportive measures are designed to restore or preserve equal access to the College’s education programs and activities, protect the safety of all parties and the educational environment, or deter Sexual Harassment. These supportive measures should be non-disciplinary, non-punitive, individualized, and provided free of charge. They must be offered regardless of whether a Formal Complaint is filed and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures. Examples of supportive measures include, but are not limited to:
- a. Counseling
  - b. Extensions of deadlines or other course-related adjustments
  - c. Additional academic support
  - d. Modifications of work or class schedules
  - e. Campus escort services
  - f. Mutual restrictions on contact between the parties
  - g. Changes in work locations or assignments
  - h. Leaves of absence
  - i. Increased security and monitoring of certain areas of the campus
3. Emergency Removal The College reserves the right to remove a student Respondent from its educational program or activity on an emergency basis. Such a removal may only occur if, after an individualized safety and risk analysis, the College determines an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event a decision is made to remove a Respondent, the Respondent will be provided with notice by the Title IX Coordinator and given the opportunity to challenge that decision immediately following the removal by submitting a request in writing to the Title IX Coordinator.

### **3.31.6 Filing a Formal Complaint of Sexual Harassment**

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

A Formal Complaint must be in written form, but it may be submitted in person, by mail, or by email. It must be signed by the Complainant, but the required signature may be physical or digital.

A Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A Title IX Coordinator may only sign a Formal Complaint after the Coordinator has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the College responds to the report of Sexual Harassment. The Title IX Coordinator should balance campus safety concerns with respect for survivor autonomy.

The Title IX Coordinator may consolidate Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this Policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

### **3.31.7 Dismissal of Formal Complaints**

Upon receipt of a Formal Complaint, the Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. Although the allegations may still be investigated and resolved pursuant to another College Policy (as noted above), Formal Complaints of Sexual Harassment brought pursuant to this Policy must be dismissed if:

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

Furthermore, the Title IX Coordinator may, in their discretion, determine that even though it meets the basic threshold requirements to proceed, a particular Formal Complaint should be dismissed. Specifically, a Formal Complaint may be dismissed if:

1. Complainant notified Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations within.
2. Respondent is no longer enrolled or employed by the College.
3. Specific circumstances prevent the College from gathering evidence to reach a determination.

After an initial review of the Formal Complaint, the Title IX Coordinator will continue to monitor the investigation and evaluate the Formal Complaint to determine if the above criteria for dismissal apply. Following any dismissal of a Formal Complaint, the Title IX Coordinator will simultaneously send a written notice to the parties of the dismissal and the reasons for the dismissal.

To the extent the behavior alleged in the Formal Complaint could constitute a violation of another College Policy, it may be pursued under that Policy. The Title IX Coordinator has the discretion to refer the allegations to the appropriate College official.

### **3.31.8 Informal Resolution**

After a Formal Complaint has been filed, if both Complainant and Respondent give voluntary, informed, written consent, the College will assist the parties in reaching an informal resolution to the allegations of Sexual Harassment in



the Formal Complaint. An informal resolution cannot be used for Formal Complaints that contain allegations that an employee sexually harassed a student.

### **3.31.9 Prohibition of Retaliation**

The College expressly prohibits retaliation against any individual for exercising their Title IX rights under this Policy. No individual may be discriminated against, intimidated, threatened, or coerced for the purpose of interfering with their Title IX rights, or because the individual has made a report pursuant to this Policy, testified, assisted, participated, or refused to participate in a Title IX investigation, proceeding, or hearing.

If an individual feels that they have been subject to retaliation pursuant to this Policy, the individual should notify the Title IX Coordinator as soon as possible.

### **3.31.10 Sexual Harassment Grievance Process Procedures**

If any party believes that the Title IX Coordinator has a conflict of interest or bias for or against the individual parties and/or for or against complainants or respondents generally, that party should report their concern to the College President. If the College President finds that a conflict of interest or bias exists, the President will designate another individual to serve as Title IX Coordinator for the purposes of the specific grievance process involving the parties.

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

The grievance process generally will be completed within 120 calendar days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted, and the reason for the extension.

### **3.31.11 Sexual Harassment Grievance Process – Notice**

Within five (5) working days of receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any Policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect and review evidence gathered during the investigation, and that Policy 3.20 Student Conduct prohibits knowingly furnishing false information to the College.

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

Parties will also be provided with notice of all meetings, interviews, or hearings with sufficient time to prepare for any meeting, interview, or hearing. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

### **3.31.12 Sexual Harassment Grievance Process – Title IX Advisors**

Each party has the right to select a Title IX Advisor of their choice, and for that Title IX Advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. A Title IX Advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as a Title IX Advisor.

Parties must provide notice of who will serve as their Title IX Advisor during any grievance hearings at least five (5) working days prior to the hearing. If a party does not have a Title IX Advisor for a grievance hearing, a Title IX

Advisor will be selected by the Title IX Coordinator and will be provided at no cost to the party for the purpose of cross examination during the hearing. This appointed Title IX Advisor may be a College employee or may be an outside individual contracted to serve in the role of Title IX Advisor.

Title IX Advisors may offer advice to and confer with the party during any meeting, interview, and/or hearing, but generally may not speak on behalf of the party. The only time a Title IX Advisor may speak on behalf of the party is to conduct cross examination questioning during a grievance hearing. Title IX Advisors are expected to comply with the Rules of Procedure and Decorum for hearings and remain respectful throughout the entire grievance process.

Any Title IX Advisor who fails to comply with these policies, the Rules of Procedure and Decorum for hearings, and/or who does not treat all others with respect throughout the grievance process may be warned by the Title IX Coordinator, Investigator, and/or Hearing Decision Maker for the Title IX Advisor's first infraction. A Title IX Advisor may be asked to leave the grievance proceeding if after being warned the advisor continues to violate these policies or the Rules of Procedure and Decorum for a hearing, and/or continues to not treat others with respect. If an advisor is asked to leave a meeting, interview, or hearing, the proceeding will end and be continued at another time when the party has a Title IX Advisor. Whether an advisor who has been asked to leave a proceeding may serve as a Title IX Advisor to the party at a later meeting, interview, or hearing will be a decision in the sole discretion of the Title IX Coordinator.

### **3.31.13 Sexual Harassment Grievance Process – Investigation**

The Title IX Coordinator or designee will designate an Investigator to conduct a fair, thorough investigation of the allegations in the Formal Complaint. In general, the Chief Student Affairs Officer (CSAO) will investigate complaints against student Respondents. The College may designate an outside investigator as Investigator. The Investigator will have received training as outlined in Section 3.32.18 of this Policy.

The Investigator will provide written notice of any meetings or interviews to the parties and/or witnesses at least three (3) working days in advance of the meeting or interview unless the party or witness wishes to meet sooner. This notice will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting.

The burden will be on the Investigator to fully and fairly investigate the allegation in the formal complaint. All parties will have an equal opportunity to present witnesses and evidence to the Investigator.

At the conclusion of the investigation, the Investigator will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their advisors for inspection and review. The parties will then have ten (10) calendar days in order to submit a written response to the evidence, if they choose to do so. The Investigator will consider any written response to the evidence before the completion of the investigative report. The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing.

The Investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigator.

The Investigator will send a copy of the report to the parties and their advisors at least ten (10) calendar days prior to any hearing for the parties' review and written response.

### **3.31.14 Sexual Harassment Grievance Process – Hearing**

After the conclusion of the investigation, a live hearing will be held before a Hearing Decision Maker. The Hearing Decision Maker will be appointed by the Title IX Coordinator and may be a single individual or a panel. A single Hearing Decision Maker may be a member of the College community or may be an outside individual contracted to serve in the role. A panel Hearing Decision Maker may include members of the College Community and/or outside individuals contracted to serve on the panel. The Hearing Decision Maker will have received training as outlined in Section 3.32.18 of this Policy. The Hearing Decision Maker will issue notice of the hearing to the parties, including the date, time, and location of the hearing. This notice will be provided at least ten (10) working days before the hearing.

The hearing will be held pursuant to the Rules of Procedure and Decorum. At the request of either party, the hearing will be held with the parties in separate rooms or locations, with the parties' Hearing Decision Maker able to simultaneously see and hear each other through technology. Whether the hearing is conducted virtually or in person, it will be recorded.

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

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

After the Hearing Decision Maker asks their questions, each party's Title IX Advisor will have the opportunity to ask all relevant and follow-up questions of the other party and all witnesses during cross examination. No party shall be questioned directly by the other party. Title IX Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any Title IX Advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Decision Maker.

The Hearing Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions during the hearing, including cross examination.

In general, the Hearing Decision Maker cannot rely on any statement by a party or witness who does not submit to cross-examination during the course of the hearing in reaching a determination on responsibility. However, in very limited circumstances, the Hearing Decision Maker may consider statements by Complainants and Respondents that are against the individual's interest even if that individual does not submit to cross-examination. A statement against interest is a statement that could expose the individual to a finding of responsibility and sanctions, or a statement that tends to invalidate an individual's complaint against another. For example, if during an interview with an Investigator, a Respondent makes a statement admitting to the alleged conduct that would violate this Policy, or a Complainant makes a statement that information in the Formal Complaint was false, then the Hearing Decision Maker may consider those statements even if the individual does not submit to cross-examination.

The Hearing Decision Maker will state whether each question is relevant before the question is answered by the party or witness to whom it is directed and explain any decision to exclude a question as not relevant. If the Hearing Decision Maker is a panel, the panel will designate one member as chair, and that individual will determine and state whether each question is relevant. Questions or evidence that are deemed irrelevant by the Hearing Decision Maker will be excluded from the hearing. Formal rules of evidence shall not apply.

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

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

### **3.31.15 Sexual Harassment Grievance Process – Determination of Responsibility**

The Hearing Decision Maker will issue a written determination whether the Respondent is responsible for the Policy violations alleged in the Formal Complaint within five (5) working days of the conclusion of the hearing. The Hearing Decision Maker must determine the weight of the evidence and credibility of the parties in reaching a determination.

The written determination shall include:

1. An identification of the allegations in the Formal Complaint.
2. A description of procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices, interviews, investigations, and hearings.
3. Findings of fact that support the determination.
4. Conclusions regarding the application of the Policy to the facts.
5. A statement and rationale for the result for each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant.
6. The procedures and acceptable bases for appeal of this determination.

The standard of proof will be "preponderance of the evidence," which means whether the evidence shows it is more likely than not that a Policy violation occurred.

The written determination will be provided simultaneously to all parties. The determination will become final, and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, after the deadline to file an appeal.

### **3.31.16 Sexual Harassment Grievance Process – Sanctions and Remedies**

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

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

1. Warning: A verbal admonition by a College official regarding a violation of the Student Conduct Code.
2. Fines, community service, rehabilitation, or other restitution: A monetary fee, assigned task, or other means of reparation.
3. Disciplinary Probation: A status resulting from a finding of misconduct. The student remains enrolled but under stated conditions.
4. Disciplinary Suspension: An involuntary separation of the student from the institution for a specified period of time due to misconduct. The student may be re-admitted following a specified period of time.
5. Expulsion: Permanent loss of student status due to misconduct. Other stated conditions may be applied.

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

### **3.31.17 Sexual Harassment Grievance Process – Appeals**

Any party may appeal the determination of responsibility or a dismissal of a Formal Complaint by submitting a written request to the College President within five (5) working days of the issuance of the Hearing Decision Maker's determination of responsibility. The request should include a short statement outlining the basis for appeal.

Appeals are limited to the following bases:

1. Procedural irregularity that affected the outcome of the matter,
2. New evidence that was not reasonably available at the time of the determination of responsibility or the dismissal of the Formal Complaint that would affect the outcome of the matter, or
3. The Title IX Coordinator, Investigator, or Hearing Decision Maker had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter.

The College President will notify the parties in writing that an appeal has been filed. Each party will then have ten (10) working days to submit a written statement in support of or challenging the outcome of the hearing.

The College President will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within seven (7) working days of the deadline for parties to submit their written statements. The College President's written determination will be provided simultaneously to all parties.

### **3.31.18 Training**

In addition to the information contained in this Policy, the College will, in accordance with the Campus Sexual Violence Act ("SaVE Act"), provide training and information to members of the campus community regarding the following topics:

1. Safe and positive steps an individual may take to intervene to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another person.
2. Information about how to recognize warning signs of abusive behavior in order to mitigate the likelihood of perpetration, victimization, or bystander inaction.
3. Awareness campaigns and prevention programs intended to stop domestic violence, dating violence, sexual assault, and stalking before they occur, and to increase campus awareness and share information and resources for the same purpose.
4. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both within the institution and in the community.

The College will distribute this information to members of the campus community through the College's Annual Security Report and the College's Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies will also be maintained by the College's Title IX Coordinator, who will make such information available to any interested person.

Additionally, the College will ensure that the Title IX Coordinator, Investigator, Hearing Decision Maker, and any person who facilitates an informal resolution has received training on:

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

Hearing Decision Makers will also receive training on:

- How to operate any technology used in conducting a hearing, and
- How to determine relevance of questions and evidence, including the provisions of this Policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior.

Investigators will also receive training on:

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

All training materials used by the College must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, Hearing Decision Maker, and any individual who facilitates an informal resolution must be made publicly available. These materials will be published online.

### **3.31.19 Recordkeeping**

The Title IX Coordinator must create and maintain for a period of at least seven years records of any actions, including any supportive measures taken in response to a report or formal complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document: 1) the basis for the conclusion that the College's response was not deliberately indifferent, and 2) that the College has taken measures designed to restore or preserve equal access to the College's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility.
- Any audio or audiovisual recording or transcript from a grievance hearing.
- Records of any disciplinary sanctions imposed on the Respondent.
- Records of any remedies provided to the Complainant.
- Any appeal from a grievance process and the result of the appeal.
- Records related to any informal resolution and the result of the informal resolution.
- All materials used to train the Title IX Coordinators, Investigator, Hearing Decision Maker, and any individual who facilitates an informal resolution.

## **4.28 Security and Access to College Facilities**

(Adopted 8-25-2008)

The College, in considering security and access to College facilities, has attempted to balance the need for convenience and accessibility with that of adequate security. To that end, most College facilities should generally be accessible to all students, employees, and visitors during normal business hours. After normal business hours, access to College facilities may be restricted to students, employees, and selected visitors, each of whom may be required to display proper identification upon request.

## **4.44 Safety**

(Reaffirmed 12-2-1991; Revised 8-25-2008)

East Central College will endeavor to provide a safe and healthful work environment for all employees and to minimize the risk of loss to personnel and property of the College.

Procedures (Revised 12-5-2022)

4.44.1 Compliance with standard safety practices will assist the College in achieving safety and loss control.

1. College employees involved in any accident that results in personal injury or damage to property should immediately report the accident to a supervisor. The supervisor shall report the accident to the Director of Human Resources.
2. Any employee injuries should receive first aid promptly as overseen by a supervisor and if injuries are serious, local emergency health care providers should be contacted.
3. Any condition or practice that might cause injury or damage to equipment should be reported immediately to a supervisor or the Director of Human Resources.
4. No equipment in unsafe condition should be operated, and all equipment should be operated in a safe manner.
5. All prescribed safety and personal protective equipment should be used when required and maintained in working condition.
6. Each unit should develop and implement the standards of safety and loss control relevant to its work and should maintain a manual of prescribed practices and a list of safety rules. Training should be provided so that all employees are aware of such standards and practices.
7. The use of non-prescribed controlled substances is prohibited. The use of alcohol is prohibited except as permitted under Policy 4.31.
8. Compliance with existing safety and health laws that apply to the workplace is required.

#### **4.45 Weapons**

(Adopted 5-8-2006)

East Central College prohibits all persons who enter any College property from carrying on their person a handgun, firearm, or other weapon prohibited by law.

##### Procedures

4.45.1 No person shall carry a concealed firearm onto the main campus or off-site locations at any time regardless of whether the person is licensed to carry the weapon or not.

4.45.2 This prohibition shall apply to students, employees, and members of the public. The prohibition shall not apply to law enforcement officers, sheriffs, and deputy sheriffs who are authorized by law to carry firearms.

4.45.3 Any person who has a conceal and carry permit or endorsement who is carrying a concealed firearm will be denied entry and ordered to leave the premises. All College employees are authorized to deny entry and order persons carrying concealed firearms to leave the premises.

4.45.4 College employees and students who violate the provisions of this Policy shall be subject to disciplinary action up to and including dismissal.

4.45.5 The College shall post appropriate notice that concealed firearms are prohibited at all College locations.

#### **4.46 Reporting Crimes and Emergencies**

(Adopted 8-25-2008; Revised 12-5-2022)

Any student, employee, or visitor who witnesses a criminal act, suspected criminal act, or any other emergency occurring at any College location should, as soon as possible after such event, contact a College administrator. All reports concerning such activities will be investigated thoroughly and promptly. Timely reports regarding the occurrence of crimes at any College location will be disseminated to members of the College community in accordance with applicable laws.

#### **5.22 Employee Conduct and Discipline**

*(Adopted 6-1-1992; Revised 12-2-2002; Reaffirmed 4-15-2014)*

Standards for employee conduct are necessary for the efficient and effective operation of the College, for ensuring a professional image for the College, and for the benefit and safety of all employees. Failure to meet these standards may be grounds for discipline.

## **Procedures**

### **5.22.1 Expected Conduct** *(Revised April 15, 2014)*

All employees are expected to conduct themselves in a manner conducive to the efficient, effective, professional operation of the College. Such conduct includes:

1. Reporting to work punctually as scheduled and being at the proper workstation ready for work at the assigned starting time.
2. Notifying the supervisor in advance of absence from work or inability to report on time and following established department requirements for such notifications.
3. Wearing required protective clothing or devices for safety purposes and complying with all College safety regulations and procedures, including those established for labs and other instructional settings.
4. Complying with all College Policies.
5. Wearing clothing appropriate for the work being performed.
6. Maintaining an orderly work area.
7. Treating all students, fellow employees, visitors, and others affiliated with the College in a courteous manner.
8. Refraining from conduct or communication deemed offensive, disrespectful, or unprofessional.

### **5.22.2 Prohibited Conduct** *(Revised 4-15-2014; 8-20-2020, 6-13-2022)*

The following conduct is prohibited and will subject the individual involved to disciplinary action, including termination of employment.

1. Reporting to work under the influence of alcoholic beverages and/or controlled substances or selling, dispensing, or unlawfully possessing alcoholic beverages and/or controlled substances on College premises or at College-sanctioned events.
2. Possession of firearms or other weapons on College property or at College-sanctioned events.
3. Threats, assault, and/or battery of a fellow employee, student, visitor, or any other individual affiliated with the College.
4. Bullying which includes but is not limited to emotional abuse (whether verbal, written, or online), physical abuse, coercion, and/or intimidation.
5. Knowingly furnishing false information to the College.
6. Slanderous or defamatory speech regarding a fellow employee, student, visitor, or any other individual affiliated with the College. This prohibition includes speech that is false, defamatory, and malicious, spoken with a deliberate or reckless disregard of the truth, and with intention to damage another person or persons.
7. Theft, destruction, defacement, or misuse of College property or of another employee's property.
8. Falsifying or altering any College record, report, or timecard. Falsifying or misrepresenting any employment application materials, including but not limited to credentials, work or military experience, or references.



9. Failure to wear assigned safety equipment or failure to abide by safety rules and policies.
10. Engaging in any form of sexual harassment.
11. Failure to improve unsatisfactory performance.
12. Excessive absences or tardiness.
13. Failure to perform assigned duties.
14. Violation of federal or state laws, the policies of the Board of Trustees of The Junior College District of East Central Missouri, or conviction of a felony or crime involving moral turpitude.
15. Insubordination.
16. Discrimination on the basis of race, color, gender, ancestry, sexual orientation, age, religion, national origin, veteran status, genetic information, or disability.
17. Violation of Policy 4.45 Acceptable Use of College Technology.
18. Other misconduct not specified above which is sufficiently serious and detrimental to the best interests of the College to warrant disciplinary action.

### **5.22.3 Disciplinary Actions** *(Revised 4-15-2014, 6-13-2022)*

In most instances, work-related problems should be resolved at the employee-supervisor level. If an employee's conduct or performance necessitates corrective action, several actions fall within the purview of the supervisor. These may include informal counseling, verbal and written warnings, referral to the Employee Assistance Program (EAP), a performance improvement plan, and/or recommendation for further discipline, including suspension or termination.

When considering discipline that includes a supervisor referral to the EAP, suspension, or termination, the supervisor will work with the appropriate Vice President and Director of Human Resources. The Director of Human Resources shall provide leadership for the process in order to assure that discipline is imposed in accordance with personnel policies.

If necessary, the President of the College may assign the Director of Human Resources to conduct an investigation of the situation, make a written report regarding the circumstances, and recommended action to the appropriate Vice President and the President of the College.

1. If the individual in question is the Director of Human Resources, the President of the College shall appoint a College official to investigate and submit a report to the President of the College.
2. If the individual in question is the President of the College, the President of the Board of Trustees shall appoint a representative to investigate and submit a report to the President of the Board of Trustees.

The College President will have final approval for the recommended disciplinary action, except in cases: (1) involving the College President, in which case disciplinary action shall be determined by the Board of Trustees or (2) requiring due process procedures, as defined below in section 5.22.4, in which case such procedures shall be followed.

In the interests of both the employee and the College, any investigation of potential disciplinary situations should be concluded expeditiously.

Disciplinary action may include but is not limited to the following, depending on the severity of the infraction: verbal warning, written warning, demotion, suspension with or without pay, and termination.

1. **Verbal Warning** – A reasonable number of verbal warnings may be given, at the discretion of the supervisor. Such warnings shall be noted in writing and placed in the individual's personnel file in Human Resources.

2. **Written Warning** – A supervisor may issue a written warning, a copy of which will be sent to the employee along with a copy to the Director of Human Resources for the employee’s personnel file.
3. **Demotion** – An employee may be demoted when the seriousness and nature of an offense warrants. A demotion is a reduction in responsibilities and/or supervisory responsibility. The employee’s rate of pay will be adjusted according to the change in position classification. A demotion may impact the retirement system enrollment if the position is reclassified from professional staff to support staff.
4. **Suspension Without Pay** – Suspension without pay may be invoked for a time period deemed consistent with the seriousness of the offense and the circumstances. A decision to suspend requires approval by the Human Resources Director, appropriate Vice President, and College President. Earned vacation or other leave may not be applied during an unpaid suspension nor will leave accrue during an unpaid suspension. Notice will be given in writing with a copy to the employee’s personnel file in Human Resources. If applicable, the College will follow the due process procedures established in 5.22.4.
5. **Suspension With Pay** – Suspension with pay may be invoked for a time period deemed consistent with the seriousness of the offense and the circumstances. The employee may not accrue paid leave during a paid suspension lasting more than three (3) days. Accrued leave may be prorated for the month. A decision to suspend requires approval by the Human Resources Director, appropriate Vice President, and College President. Notice will be given in writing with a copy to the employee’s personnel file in Human Resources. If applicable, the College will follow the due process procedures established in 5.22.4
6. **Termination** – Employees may be immediately terminated when the seriousness and nature of an offense warrants. A decision to terminate will be made by the supervisor, appropriate Vice President, Human Resources Director, and College President. If applicable, the College will follow the due process procedures established in 5.22.4.

**5.22.4 Due Process Procedures for Suspension or Termination of Contractual Employees** (*Revised 12-2-2002, 4-15-2014*)

1. Due process procedures for suspension or termination apply only to contractual employees, including full-time; faculty, administrators, and professional staff, and do not apply to at-will employees such as support staff and part-time instructors. These procedures also do not apply to (1) non-renewal of a limited-term contract, (2) non-renewal of an annual contract, or (3) non-renewal of a continuous contract of a faculty member if such non-renewal is authorized by Procedure 5.9.8.3.
2. The President of the College has the discretion to initiate disciplinary action involving suspension or termination beginning at Step 2.
3. The following procedural steps are to be followed when a recommendation for suspension or termination is made. While legal requirements should be met, the intent of these is to establish steps that ensure fair treatment for all parties involved.

**Step 1: Attempt at Resolution** – If the President of the College agrees that the employee should be suspended or terminated, the President of the College or designee shall meet with the employee and their representative to determine if a mutually agreeable disposition of the matter can be reached.

**Step 2: Formal Proceedings/Board of Trustees** – If no mutually agreeable disposition can be reached, formal proceedings shall be brought before the Board of Trustees. Such proceedings shall be initiated by the President of the College giving the employee written notice of a hearing and the charges which warrant suspension or termination. The employee in question shall remain in their position during the formal proceedings unless suspended by the President of the College. Such suspension shall be with pay unless the Board of Trustees decides otherwise.

1. The notice shall provide that a hearing shall be held before the Board of Trustees on a particular day and at a certain time and place; that the individual in question may be present with or without a representative or attorney; and that the individual may present witnesses and other evidence on their behalf and may question witnesses presented by the College. The notice and charges must be received by the employee at least ten (10) days prior to the hearing.

2. Should the individual in question not appear for the hearing, the disciplinary action proposed may be imposed by the Board without a hearing. Should the individual in question or their representative request additional time in which to prepare, the Board of Trustees, at its discretion, may grant such additional time and continue or postpone the hearing to another day and time.
3. The hearing shall be conducted at the time and place called for in the notice or at the postponed time if additional time is granted. The President of the Board of Trustees shall preside at the hearing unless the Board decides otherwise. Such hearing shall not be public and either party may ask that witnesses be present only during the time of their testimony. A recording shall be made of the hearing proceedings and a copy shall be made available to the employee whose discipline is in question.
4. Formal legal rules of evidence need not be followed, and the Board President or other presiding officer shall determine what evidence may or may not be presented. The proper College official(s) or representative/attorney shall present the institution's position. The employee in question or their representative shall have the right to question any witness called by the College, just as the College's representative may question any witness called by the employee.
5. At any time during the proceedings, any member of the Board of Trustees may question any witness or call for a point of order to be clarified.
6. After testimony has been presented and each side has concluded its presentation, the Board of Trustees shall retire to review all information submitted and render a determination. The decision, which shall be in writing, shall be made no more than 30 working days from the date of the Board hearing.
7. The decision of the Board of Trustees shall be final.

## **5.18 Protection Against Sexual Harassment**

*(Adopted 10-6-2014)*

East Central College is committed to maintaining a workplace and educational environment that is free from sexual harassment based on gender or sexual orientation. The College also prohibits:

1. Retaliatory actions based on making complaints of sexual harassment or based on participation in an investigation, formal proceeding, or informal resolution concerning sexual harassment.
2. Aiding, abetting, inciting, compelling, or coercing sexual harassment.

**Procedures** *(Adopted 10-6-2014; Revised 6-8-2020)*

### **5.18.1 General Rule**

Except as otherwise set forth in Policy, all employees, students, and visitors must immediately report to the College for investigation any incident or behavior that could constitute sexual harassment.

### **5.18.2 Definitions** *(Revised 6-13-2022)*

The following definitions apply to this Policy:

**Compliance Officer** – The College designated individual(s) responsible for compliance with Title IX in regard to students and employees.

**Complaint** – An informal or formal report of sexual harassment made to a Compliance Officer.

**Discrimination** – Conferring, refusing, or denying benefits or providing differential treatment to a person or class of persons in violation of law based on an employee’s protected status, such as gender or sexual orientation. A complaint of Sex Discrimination as defined herein is grieved through Policy 5.30.

**Harassment** – A form of discrimination that occurs when the school or work environment becomes permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. This is also sometimes referred to as a hostile work environment when the harassment is related to an employee’s protected status, such as gender or sexual orientation.

**Sexual Harassment** – A form of discrimination on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature or b) the school or work environment becomes permeated with intimidation, ridicule, or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the College’s programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex.

Behaviors that could constitute sexual harassment include but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities, or contact.
2. Conditioning grades, promotions, rewards, or privileges on sexual favors, activities, or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities, or contact.
4. Graffiti, name calling, slurs, jokes, gestures, display of pictures or written material, or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching, or rubbing.

### **5.18.3 Designated Compliance Officer(s)**

The Board of Trustees designates the following individual(s) to act as the College’s compliance officers:

The Chief Student Affairs Officer will serve as the Administrator for Title IX and Section 504 in regard to students at the College or designated locations. The Title IX Administrator has responsibility for compliance as it relates to students. The Title IX Administrator is located on the main campus of East Central College at 1964 Prairie Dell Road, 131 Buescher Hall, Union, MO 63084. Phone: 636-584-6565, Email: [stnotice@eastcentral.edu](mailto:stnotice@eastcentral.edu).

The Director of Human Resources will serve as the Deputy Administrator for Title IX and ADA in regard to employees, contractors, and visitors to the College or designated locations. The Deputy Title IX Administrator is located on the main campus of East Central College, 1964 Prairie Dell Road, DSSC005, Union, MO 63084. Phone: 636-584-6712, Email: [hrnotice@eastcentral.edu](mailto:hrnotice@eastcentral.edu).

### **5.18.4 Responsibilities of the Deputy Administrator for Title IX and ADA**

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding sexual harassment at East Central College in regard to employees, contractors, and visitors to the campus or designated locations.
3. Serve as the College’s contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints, monitor the status of complaints, and recommend consequences.

5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes sexual harassment.
9. Perform other duties as assigned by the College President.

#### **5.18.5 Informal Complaint Process**

In cases where an employee feels that they have been subjected to any suspicious/questionable behavior or sexual harassment as defined in this Policy, the person may, if appropriate, attempt to resolve the situation by using the following informal procedures:

1. Communicate that the behavior is unwelcome, requesting that the unwelcome behavior stop immediately. Document the date and time of the conversation. Inform their own immediate supervisor and/or Human Resources.

and/or

2. Speak with the appropriate supervisor and/or Human Resources who may speak with the person whose behavior is unwelcome. Document the date and time of the conversation. The supervisor will document and report the incident to Human Resources.

Informal complaints that have not been resolved to the satisfaction of the employee will be referred to the Office of Human Resources for investigation and resolution.

#### **5.18.6 Formal Complaint Process**

Employees or other individuals who are not students who believe that they have been victims of sexual harassment may file a formal complaint with the Office of Human Resources for investigation by the Deputy Administrator for Title IX or designee.

Students who believe they have been victims of sexual harassment or sexual violence as referenced in Policy 3.30 Student Protection Against Discrimination and Harassment may file a formal complaint with the Administrator of Title IX or designee and it will be promptly investigated.

#### **5.18.7 Procedure for Investigation of Complaints**

The Deputy Administrator of Title IX or designee will investigate all complaints. All persons are required to cooperate fully in the investigation. The Deputy Administrator of Title IX or designee may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes sexual harassment, the Deputy Administrator of Title IX or designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred, and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all the facts and surrounding circumstances. If, after investigation, the Deputy Administrator of Title IX or designee determines that it is more likely than not that sexual harassment or other prohibited behavior has occurred, College officials will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview complainant regarding the nature and specifics of the incident(s) (complainant will make written statement).
2. Interview the person accused (accused will make a written statement).
3. Interview other possible witnesses, if appropriate (witnesses will make written statements).
4. The Deputy Administrator of Title IX or designee will prepare a written factual findings report.
5. The Deputy Administrator of Title IX or designee will determine if a violation of the Policy more likely than not occurred based on the facts of the investigation.
6. The Deputy Administrator of Title IX or designee will provide the College President a copy of the written report and a recommendation on the determination as to whether the alleged conduct is a violation of this Policy.
7. The College President will review the findings and determine the appropriate response and/or corrective action or discipline, if any, according to Policy 5.22.
8. The decision is final and cannot be grieved through Policy 5.30.

#### **5.18.8 Confidentiality and Records**

To the extent practical, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any information or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation or resolution of a complaint or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this Policy or when required by law. In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

#### **5.18.9 Employee's Obligation** *(Revised 6-13-2022)*

Accountability for compliance with this Policy will be the responsibility of all employees. Employees will be required to complete sexual harassment prevention training as determined by the College.

Any employee who believes they have been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that an employee or visitor to the College or designated locations has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that a student has been a victim of sexual harassment, sexual assault, relationship violence, or stalking is required to report to the Chief Student Affairs Officer and refer to Policy 3.30 Student Protection Against Discrimination and Harassment.

In addition, all employees are required to fully cooperate during an investigation. This includes the requirement that employees should only make truthful reports and complaints.

#### **5.18.10 Consequences**

Employees who violate this Policy will be disciplined, up to and including employment termination according to Policy 5.22 Employee Conduct and Discipline.

Contractors, visitors, or others who violate this Policy may be prohibited or restricted from the College's main campus, designated properties, or College sanctioned events.

## **5.2 Criminal Background Check**

*(Adopted 10-7-2013; Revised 6-13-2022)*

East Central College is committed to providing a safe environment for students, employees, and members of the public. As part of this effort, the College will require criminal background checks of employees in accordance with this Policy.

### **Procedures**

#### **5.2.1 Employees** *(Revised 6-13-2022)*

The College shall conduct a criminal background check on all new full-time and part-time employees before they are employed. This requirement extends to applicants who were previously employed by the College. The College reserves the right to require any current employee to submit to criminal background checks or to rerun background checks for any employee at any time at the College's expense. Any offer of new employment or continued employment is contingent upon the satisfactory outcome of the criminal background check, when required. The College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

For purposes of this Policy, a "criminal background check" includes but may not be limited to investigating criminal history for misdemeanors and felonies on the county, state, and federal levels and reviewing sex offender registries nationwide.

Employees who have been hired prior to the implementation of this procedure may be subject to a criminal background check based on the position and/or teaching requirements and location.

Mandatory criminal background checks are required for the following categories of positions:

- Employees performing College work at a site located in a public school district
- Head coaches and assistant coaches
- Full-time faculty and adjunct instructors in designated academic/technical programs including but not limited to Health Science Programs, Teacher Education, Health Information Management, and Computer Information Systems

#### **5.2.2 College Notification** *(Revised 6-13-2022)*

As a condition of continuing to work within the College, an employee must notify the Director of Human Resources if the employee is convicted or otherwise found guilty of any felony, regardless of the imposition of sentence. This notification must be made as soon as possible, but no later than two (2) working days after the event.

#### **5.2.3 Confidentiality**

Information received by the College pursuant to a criminal background check is confidential. The College will only use this information for internal purposes in determining the suitability of an applicant or employee. The College will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the College. The College will comply with all applicable laws regarding criminal background checks.

#### **5.2.4 Consequences**

Any offer of new employment or continued employment is contingent upon the outcome of the criminal background check, when required. The College will provide applicants or employees whose criminal background checks contain information upon which the College might base an adverse employment action an opportunity to explain or dispute the relevant information. In all cases, the College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

The College President or designee is directed to exclude any person from employment who refuses to submit to a background check or to take disciplinary action for current employees refusing to submit to a background check.

The College President or designee is directed to exclude any person from employment based upon the position, or to take action to terminate employment based upon the position, whose criminal background check reveals that they have exhibited behavior that is violent or harmful to others.

## **5.16 Drug and Alcohol-Free Workplace**

*(Reaffirmed 12-2-1991; Revised 7-30-20012, 11-4-2013, 6-13- 2022)*

East Central College prohibits the manufacture, distribution, possession, or use of a controlled substance or an imitation controlled substance and the possession, use, or distribution of alcoholic beverages (except as specified in Board Policy 4.42) on any East Central College-owned or controlled property or at College-sponsored functions.

### **Procedures**

#### **5.16.1 Federal Law Compliance** *(Revised 6-13-2022)*

The College complies with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i) and the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8101 et seq.). Although medical marijuana is legal in Missouri, it is still considered illegal under federal law as a “Schedule I” drug. As such, the distribution, possession, and consumption of medical marijuana are prohibited on property owned or operated by the College or its affiliates.

#### **5.16.2 Explanation and Consequences of Prohibitive Behavior**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, narcotics, or alcoholic beverages on the College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites) or College-sponsored functions is absolutely prohibited. This includes reporting to work under the influence of alcohol or illegal drugs and/or having a detectable level of alcohol or an illegal drug present in one’s system while on the job, operating College vehicles, or on any College premises. Violations will result in disciplinary action, up to employment termination, and may have legal consequences. All employees and applicants are required to comply with the Drug and Alcohol-Free Workplace Policy as a condition of employment.

Instances of violations could result in the involvement of civil law enforcement authorities. Violations include but are not limited to possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence or using those substances while working; or dispensing, distributing, or illegally manufacturing or selling them on College premises.

Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction in writing to the Human Resources Office within five (5) days, and the Human Resources Office will take appropriate action as required by law.

#### **5.16.3 Drug and Alcohol Testing**



Employees may be asked to take a test if there is reasonable suspicion to believe that an employee is under the influence of an illegal drug and/or alcohol. The following circumstances could cause reasonable suspicion:

1. Observed drug or alcohol use.
2. Apparent physical state of impairment.
3. Incoherent mental state.
4. Marked change in personal behavior that is otherwise unexplainable.
5. Deteriorating work performance that is not attributable to other factors.
6. An accident where there is reasonable suspicion that drugs or alcohol may be a factor.
7. Any circumstances which cause a reasonable suspicion that an employee is under the influence of illegal drugs and/or alcohol.

The test will determine the presence of drugs, narcotics, or alcohol unless such tests are prohibited by law. Employees who agree to take the test must sign a consent form authorizing the test and the College's use of the test results for purposes of administering its discipline policy. It is a violation of this Policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the College are the property of the College, and the examination records will be treated as confidential and held in separate medical files.

#### **5.16.4 Employer and Employee Responsibilities** *(Revised 11-4-2013, 6-13-2022)*

1. Supervisors should report immediately to the appropriate Vice President and Human Resources Office any action by an employee that might pose a danger to themselves or others. The Director of Human Resources, the appropriate Vice President, and the College President or designee will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises and, to the extent allowed by law, may be suspended without pay. Alternate transportation must be arranged by the employee. If the employee is unable to secure transportation, alternate transportation will be provided at the employee's expense (i.e., taxi). At no time will a current employee be allowed to transport the employee who is under the influence. Employees are to report to the appropriate Vice President or Director of Human Resources any suspicious behavior of a co-worker, employee, student, or campus visitor that may be alcohol or drug related without fear of retaliation. To the extent possible, the report will be handled in a confidential manner.
2. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request or be required to seek help through the Employee Assistance Program. Authorization to return to work will be required. Employees who participate in a treatment program will be expected to meet existing job performance standards and established work rules.
3. Nothing in this statement is to be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary measures in the case of poor performance or misconduct.
4. It must be understood that this Policy has no bearing whatsoever on what employees do on their own time unless it reflects on their job performance.

#### **5.16.5 Alcohol and Drug-Free Awareness Program** *(Revised 11-4-2013)*

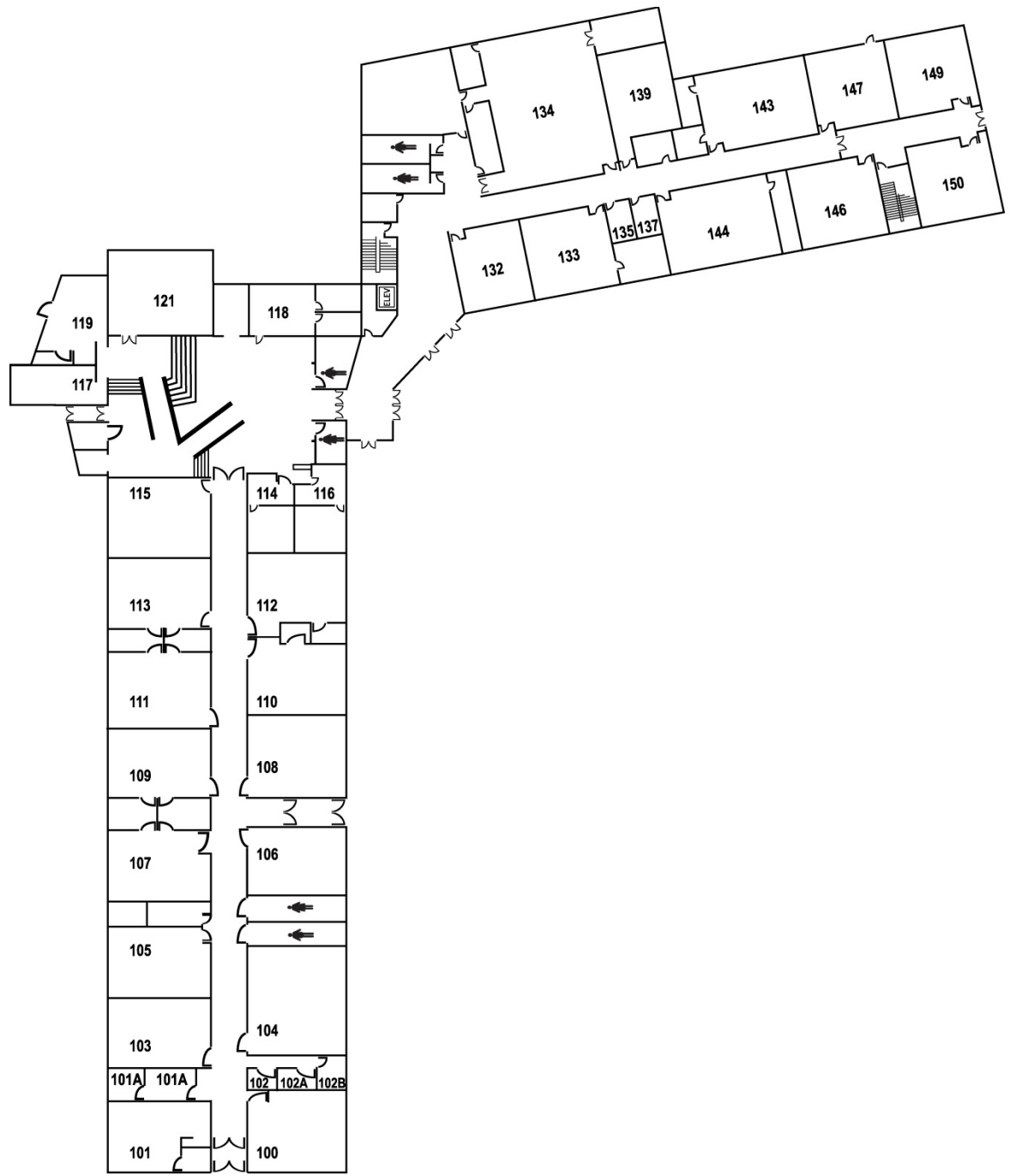
The College will inform employees as deemed necessary about:

1. The dangers of alcohol and drug abuse in the workplace.
2. The College's policy and procedures for maintaining an alcohol and drug-free workplace.
3. Any available drug counseling, rehabilitation, and employee assistance programs.

4. The penalties that may be imposed upon employees for alcohol and drug abuse violations occurring in the workplace.

**5.16.6 Treatment** (*Revised 11-4-2013, 6-13-2022*)

Employees who suspect that they may have an alcohol or drug dependency problem are encouraged to seek diagnosis and follow through with the treatment that is prescribed by qualified professionals to address the problem. Employees having these problems will receive treatment that is extended under the College's health benefit plans and are encouraged to seek additional and/or alternate treatment that may be available at the employee's own expense.



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