



*Hands-On Skills. High-Tech Careers.*

# **BOARD POLICY HANDBOOK**

**2023-24**



Contents

SECTION I MISSION, VISION, CORE VALUES, PURPOSES .....1

1:1 Mission .....1

1:2 Vision .....1

1:3 Core Values.....1

1:4 Principles of Community .....1

SECTION II: RESPONSIBILITIES AND ORGANIZATION OF THE BOARD OF TRUSTEES.....2

2:1 Authorization and Governance .....2

2:2 The College President’s Role .....2

2:3 Shared Governance .....3

2:4 College Policy and Procedures .....3

2:5 Board Approvals .....3

2:6 Membership of the Board of Trustees.....4

2:7 Tenure of Members of the Board of Trustees .....4

2:8 Selection of the Board of Trustees.....4

2:9 New Member Orientation.....5

2:10 Board Member Code of Conduct.....5

2:11 Board Compensation ..... 6

2:12 Organization of the Board of Trustees .....6

2:13 Regular Meetings.....6

2:14 Special Meetings .....6

2:15 Procedures .....7

2:16 Board Meeting Agenda.....7

2:17 Rules of Order.....7

2:18 Executive Session.....8

2:19 Minutes.....9

2:20 Board of Trustee Records .....9



2:21 Legal Firm.....9

2:22 Board Committees .....9


2:23 Guidelines for Public Participation ..... 10


2:24 News Coverage..... 10

2:25 Strategic Plan .....	10
2:26 Policy Development and Revisions.....	10
2:27 Academic Calendar .....	11
2:28 Board – College President Relations .....	11
2:29 Conflict of Interest .....	11
SECTION III: GENERAL ADMINISTRATION.....	13
3:1 College President .....	13
3:2 Duties of the College President .....	13
3:3 Recruitment of Candidates for the Position of College President.....	13
3:4 Appointment of the College President .....	14
3:5 Compensation and Benefits of the College President.....	14
3:6 Travel Expense Reimbursement for the College President.....	14
3:7 Staff Development Opportunities for the College President.....	14
3:8 Evaluation of the College President .....	14
3:9 Nonrenewal of the College President’s Contract .....	14
3:10 Resignation by the College President .....	14
3:11 Administrative Personnel.....	15
3:12 Ethics .....	15
3:13 Policy Implementation.....	16
3:14 Administrative Rules .....	16
3:15 Administrative Evaluations .....	16
3:16 Consultants .....	17
3:17 Public Records.....	17
SECTION IV: FISCAL MANAGEMENT .....	19
4:1 Financial Accounting .....	19
4:2 Budget Development.....	19
4:3 Purchasing .....	19
4:4 Requisitions .....	19
4:5 Purchase Orders.....	20
4:6 Purchasing Guidelines .....	20
4:7 Bid Requirements .....	22

4:8 Definitions .....	25
4:9 Payment Procedures .....	25
4:10 Emergency Authority .....	26
4:11 Shop Funds .....	26
4:12 Student Activity Funds.....	26
4:13 Fixed Assets Accounting.....	27
4:14 Inventories.....	27
4:15 Insurance Coverage.....	28
4:16 Worker’s Compensation.....	28
4:17 Bonded Employees.....	29
4:18 Official Depositories.....	29
4:19 Investment of Funds and Postings Securities.....	29
4:20 Gifts and Bequests .....	30
4:21 Rental of College Facilities.....	30
4:22 Investigation of Fraud and Whistleblower Protections.....	30
SECTION V: BUSINESS MANAGEMENT .....	31
5:1 Building and Property Management.....	31
5:2 Safety and Security.....	31
5:3 Hazardous Waste Inspection and Disposal.....	31
5:4 Vandalism .....	31
5:5 Long-Range Maintenance Program.....	32
5:6 Equipment and Supplies Management.....	32
5:7 College Vehicles .....	32
 5:8 Travel Expense (Mileage, Lodging & Meals).....	33
 5:9 Credit Card Use Policy.....	34
5:10 Abandoned Vehicles.....	35
5:11 Food Service Management .....	35
5:12 Data Management.....	35
5:13 Copyrights .....	35
5:14 Solicitations .....	36
5:15 Federal Program Administration .....	36


SECTION VI: POLICIES APPLICABLE TO PERSONNEL & STUDENTS .....	37
6:1 Non-Discrimination .....	37
6:2 Student Accessibility Services .....	38
6:3 Racial and Disability Harassment .....	39
6:4 Sexual Harassment.....	42
6:5 Breastfeeding Accommodations.....	50
6:6 Discrimination and Other Complaints Procedure .....	51
6:7 Drug Free Schools/Workplace .....	52
6:8 Use of Tobacco Products in College Buildings and Vehicles .....	56
6:9 NCK Tech Weapons Policy .....	56
6:10 Information Systems Use .....	62
6:11 Digital Communications Policy.....	66
6:12 Copyright-Fair Use.....	68
6:13 Hard Drive Disposal .....	70
6:14 Lock Out Tag Out .....	70
6:15 Powered Industrial Truck.....	70
6:16 Respiratory Protection Program .....	71
6:17 Gifts Between Employees and Students .....	71
6:18 Communicable Diseases.....	71
6:19 Restraining Orders .....	72
6:20 Surveillance Policy.....	73
SECTION VII: PERSONNEL (See also Section VI).....	74
7:1 Handbooks.....	74
7:2 Employee Involvement in Developing Policies .....	74
7:3 Job Descriptions .....	74
7:4 Recruitment & Hiring.....	74
7:5 Nepotism .....	74
7:6 Faculty Credentials .....	75
7:7 Employment Eligibility Verification.....	75
7:8 Criminal Background Check.....	75

7:9 Personnel Records.....	75
7:10 Good Standing.....	76
7:11 Retirement and Resignation.....	76
7:12 Rehire Eligibility.....	77
7:13 Assignment and Transfer.....	77
7:14 Employee Suspensions .....	77
7:15 Probation.....	77
7:16 Grievances.....	78
7:17 Personal Appearance.....	80
7:18 Employee-Student Relations.....	81
7:19 Employee-Community Relations.....	82
7:20 Use of Facilities and Equipment by College Employees.....	82
7:21 Conflict of Interest .....	82
7:22 Outside Employment.....	82
7:23 Employee Meetings .....	82
7:24 Employee Development Opportunities.....	82
7:25 Professional Development .....	83
7:26 Consulting .....	83
7:27 Leave for Conferences and Visitations .....	83
7:28 Longevity Pay.....	83
7:29 Bereavement Leave.....	84
7:30 Disability Leave.....	84
7:31 Family Medical Leave .....	84
7:32 Jury Duty.....	86
7:33 Military Leave.....	86
7:34 Sabbatical Leave .....	88
7:35 Sick Leave.....	88
7:36 Exhaustion of Leave .....	88
7:37 Tuition Reimbursement.....	89
 7:38 Dependent Tuition Waiver.....	90
7:39 Shared Sick Leave Program .....	90

7:40 Remuneration.....	93
7.41 Unused Vacation .....	93
7:42 Salary Deductions .....	93
7:43 Benefits for Part-Time Employees.....	94
7:44 Employee Protection .....	94
7:45 Bloodborne Pathogen Exposure Control Plan.....	94
7:46 Equal Opportunity Employment and Nondiscrimination .....	94
7:47 Ownership of Intellectual Property Created by Employees .....	95
7:48 Faculty Supervision.....	96
7:49 Department Chairs .....	96
7:50 Faculty Ethics.....	97
7:51 Professional Day for Faculty.....	97
7:52 Additional Duty .....	97
7:53 Arrangement for Substitutes.....	97
7:54 Faculty Evaluations .....	98
7:55 Program Probation/Termination.....	98
7:56 Reduction in Force.....	98
7:57 Nonrenewal and Termination .....	99
7:58 Work Schedules for Non-Faculty Employees .....	99
7.59 Non-Faculty Remote Work Policy .....	99
7:60 Non-Faculty Employee Compensation.....	102
7:61 Non-Faculty Employee Overtime .....	102
 7:62 Non- Faculty Employee Evaluation .....	102
7:63 Non-Faculty Employee Vacations.....	102
7:64 Non-Faculty Employee Holidays.....	103
SECTION VIII: NEGOTIATIONS.....	104
8:1 Negotiations Goals and Scope.....	104
8:2 Board Negotiations Agents .....	104
8:3 Use of College Facilities and Equipment .....	104
8:4 Negotiating Procedures.....	104
8:5 Ratification Procedures.....	105



SECTION IX: ACADEMIC POLICIES.....	106
9:1 Institutional Improvement Planning.....	106
9:2 Evaluation of Instructional Programs .....	106
9:3 Research and Academic Assessment.....	106
9:4 Assessment of Student Learning .....	106
9:5 Resource Personnel for Curriculum Development.....	106
9:6 Approval of Courses.....	107
9:7 Class Size .....	107
9:8 Class Schedules.....	107
9:9 Final Examinations.....	107
9:10 Grading System .....	107
9:11 Credit Hour Calculations .....	107
9:12 The Dean's List .....	108
9:13 Classroom Materials and Equipment.....	108
9:14 Student Safety.....	108
9:15 Instructional Aides and Adjunct Faculty .....	109
9:16 Partnerships.....	109
9:17 Resource Speakers.....	109
9:18 Field Trips and Excursions.....	109
9:19 Student Advising Program .....	109
9:20 Academic Freedom.....	110
9:21 The Library Bill of Rights .....	110
9:22 Religion in the Curriculum and School Sponsored Activities .....	110
9:23 Live Work.....	111
9:24 Academic Program Review .....	111
SECTION X: STUDENT POLICIES.....	112
10:1 Admissions.....	112
10:2 Awards and Scholarships.....	112
10:3 Repeating a Course or Program .....	112
10:4 Transfer.....	112
10:5 Intercampus Transfer .....	114

10:6 Readmission (See also Disciplinary Sanctions) .....	114
10:7 Graduation .....	114
10:8 Student Records.....	115
10:9 Release of Student Records.....	115
10:10 Disposition of Records .....	118
10:11 Attendance Policy.....	118
10:12 Student Code of Conduct .....	118
10:13 Academic Honesty.....	119
10:14 Academic Appeal .....	120
 10:15 Drug Testing Policy.....	120
10:16 Sexual Misconduct.....	122
10:17 On Campus Driving Privileges.....	129
10:18 Disciplinary Sanctions .....	130
10:19 Restitution Fees and Charges .....	133
10:20 Complaints and Grievances.....	134
10:21 Demonstrations and Strikes.....	134
10:22 Measures to be Taken to Ensure Student Rights.....	135
10:23 Interrogations and Investigations Conducted on Campus .....	135
10:24 Student Organizations .....	136
10:25 College Dismissal Procedure.....	137
10:26 Emergency Drills .....	137
10:27 Student Accidents.....	138
10:28 Student Insurance .....	138
10:29 Emergency Leave Policy .....	138
10:30 Accommodation Policy for Students with Disabilities.....	138
10:31 Limited English Proficiency Policy (LEP) .....	140
10:32 Student Housing Policy.....	140
SECTION XI: GENERAL PUBLIC RELATIONS .....	141
11:1 Public Information Program.....	141
11:2 Board-Community Relations.....	141
11:3 Information Campaign.....	141

611:4 Media Relations .....	141
11:5 Interviews with Students .....	141
11:6 College Events .....	141
11:7 Visitors to the College .....	141
11:8 Visitors to College Dormitories .....	142
11:9 Free Materials Distribution at the College.....	142
11:10 Use of Tools and Equipment by Non-College Individuals.....	142
11:11 Gifts .....	143
11:12 Complaints .....	143
11:13 Unmanned Aircraft System Policy.....	143

## SECTION I MISSION, VISION, CORE VALUES, PURPOSES

### 1:1 Mission

North Central Kansas Technical College (NCK Tech) delivers applied, innovative and personalized education to empower learners, enrich lives, develop skilled professionals, and strengthen economic systems.

### 1:2 Vision

NCK Tech is dedicated to being a leader in workforce development by maximizing value for students, employers, and communities through educational excellence.

### 1:3 Core Values

Achieving **EXCELLENCE** with **INTEGRITY** through  
**DEDICATION**  
**INNOVATION**  
**COLLABORATION**  
**COMMUNICATION**

### 1:4 Principles of Community

NCK Tech is dedicated to the teaching and learning of professional and technical skills in an increasingly diverse and ever-changing environment. NCK Tech is a place where all people, regardless of race, color, gender, ethnic or national origin, sex, sexual orientation, gender identity, marital or family status, ancestry, ability, age, military or veteran status, or religion may work or obtain an education. All employees and students seek to empower all persons to contribute to their families, communities, and societies. In the spirit of creating and maintaining a professional and respectful space for all who come here to learn and teach, we – students, staff, faculty, and administration – acknowledge the following:

- *We come to NCK Tech with different experiences, expectations, values, and practices;*
- *Some of our differences are visible, and others are not;*
- *Our differences may create misunderstandings, fears, and emotional reactions;*
- *We must work together to create mutual understanding;*
- *We strive to overcome the negative consequences of our differences;*
- *We seek to celebrate our shared humanity and shared goals;*
- *We accept responsibility for maintaining and creating a learn/work environment where our differences are valued and mutually accepted;*
- *We agree to respect everyone's right to have and to share personal beliefs and opinions without fear of public condemnation;*
- *We agree to reject prejudice, discrimination, and intolerance in the NCK Tech community.*

## **SECTION II: RESPONSIBILITIES AND ORGANIZATION OF THE BOARD OF TRUSTEES**

### **2:1 Authorization and Governance**

The governance of the Technical College shall be vested in its Board of Trustees.

The Board of Trustees will govern NCK Tech in accordance with federal and state laws, Board of Regents policies and procedures, and the Board Policy Manual. The Board will:

- Focus on long-term vision (ends) rather than the administrative process of attainment of those ends (means).
- Focus on strategic leadership (ends) rather than administrative procedures (means).
- Encourage diversity in viewpoints and collective thinking rather than individual decisions.
- Look to the future rather than the past.
- Be proactive rather than reactive.
- Annually evaluate the Board's own processes and performance.
- Be responsible for edits, additions, deletions in the Board Policy Manual.

The Board deliberates with many voices but governs with one. In support of effective college governance, the Board believes:

1. That it derives its authority from the community and it must always act as an advocate on behalf of the entire community.
2. That its Trustee members should vote their conscience and support the decision or policy made.
3. That the Board's behavior must exemplify ethical behavior and conduct.
4. That it is committed to the pursuit of excellence in the College programs, services, and governing relationships.
5. That academic freedom encompasses the right of faculty to full freedom in research and in the publication of results, freedom in the classroom in discussing their subject, and the right of faculty to be free from institutional censorship or discipline when they speak or write as citizens.

### **2:2 The College President's Role**

The College President is the Chief Executive Officer (CEO) of the College. The President is the Board's single official link with the operating organization. The President is accountable to the Board, acting as a body.

Whenever the word "College President" appears in these policies, the words "or designated representative" shall be assumed to follow. The delegation of authority of administrative actions does not relieve the College President of the responsibility of the actions of any designated representative.

## **2:3 Shared Governance**

The legal responsibility for the adoption of college policies belongs to the Board exclusively. However, before arriving at a decision with respect to policies, which affect the work of faculty and staff, the Board encourages cooperative participation by the faculty and staff in the preparation of recommendations, which it will have under consideration.

A cooperatively developed Board Policy Handbook is fundamental to good board-staff relationships. Written policies shall be revised regularly, shall be made available to the college faculty and staff, and shall be used consistently by the Board as the basis for action.

The role of the College President is of utmost importance because it embraces the functions of the Chief Administrator for the Board and head of the faculty and staff. With this role goes the responsibility for leadership. The College President's leadership shall result in mutual respect between the Board and staff. It shall also result in steps by which any differences can be resolved.

## **2:4 College Policy and Procedures**

The Board is the initiator of broad policy directions through the Board Policy Handbook. The development of administrative processes and procedures (means) is the responsibility of the President. The President should work with employees and students as appropriate to develop operational policies and procedures. The President will define operational college policy and procedure through:

1. Administrative Handbook – policies for personnel, fiscal management, financial management.
2. College Catalog – student information, policy, procedure.
3. Employee Handbook – employee information, policy, procedure.
4. Student Handbook - student information, policy, procedure not covered in the catalog.
5. Faculty Agreement – faculty policy and procedure.
6. Other policy manuals, documents, and handbooks as necessary.

## **2:5 Board Approvals**

The Board reserves the right to approve the following:

1. The Board of Trustees meeting calendar.
2. The annual budget.
3. Educational program - AAS requirements, additions, suspensions, or terminations.
4. Name changes in college buildings.
5. The negotiated Faculty Agreement.
6. Changes in tuition and fees.
7. Changes in its own Board Policy Manual.
8. Facilities remodeling and/or expansion.
9. Lease agreements or modifications to lease agreements.

10. Acquisition of real property and disposal of assets greater than \$5,000.
11. Final approval for hire of new full-time employees or faculty covered under the negotiated agreement.
12. Final approval for termination or reduction in force of full-time employees or faculty covered under the negotiated agreement.
13. Appointment of the Negotiating Team.
14. Appointment of Legal Counsel.
15. Authorization to spend reserve funds.
16. Authorization of the annual financial audit.
17. Entering into lawsuits.
18. Appoint and fix the compensation and term of office of the College President.
19. Additions, deletions, or changes in college policies.
20. Appointment of the 504 Officer, Title VII & Title IX Officer, and the Freedom of Information Officer

The Board also reserves the right to inspect college records, documents, and finances.

## **2:6 Membership of the Board of Trustees**

The College Board shall be called “Board of Trustees” and be comprised of at least six (6) but no more than seven (7) members. With either a six- or a seven-member board, a quorum will consist of four (4) members with no more than two (2) members from a single county.

## **2:7 Tenure of Members of the Board of Trustees**

Each position on the Board will be for four (4) years. Terms of service will be alternated between board members, with three (3) positions coming up for renewal every other year. If for some reason, a board member is not able to complete his/her four-year term, every effort will be made to find a replacement. The new member will serve out the remainder of the term.

A board member may resign upon written notice to the Chair of the Board of Trustees or the College President. The resignation will be acted upon at the next meeting of the Board. Board members should provide as much advanced notice as possible so a replacement can be found.

Members should inform the Board Clerk of their intentions to renew for another term or allow their term to expire by the March meeting the year their term expires. If board members wish to renew for another term, it will be voted on by the Board at the next regular meeting. If the member wishes to resign, the Board will be notified, and at the next meeting, the Board will authorize the Clerk to begin searching for a new member.

## **2:8 Selection of the Board of Trustees**

The selection of board members will be through an appointment process of the Board of Trustees. Vacant positions will be advertised. Interested applicants would submit a letter indicating their interest and background. The incumbent board members would select new members from those

submitting applications.

The Board Chair will appoint a three (3)-member committee of the Board to conduct interviews of qualified candidates. The committee may not consist of a quorum, and the interviews are to be conducted in a closed session. The College President should be a participant in the interviews.

A recommendation of the committee shall be proposed to the Board at the next meeting of the Board. A quorum of the Board will act to appoint the new member to be installed at the soonest appropriate time.

## **2:9 New Member Orientation**

Newly appointed members of the Board shall be invited to attend all meetings of the Board prior to the time they officially take office. All newly appointed members shall receive copies of agendas, reports, and other communications normally received by regular board members except information or material of a confidential nature or which is not authorized by statute. Newly appointed board members shall not be permitted in executive session until they have officially taken office.

## **2:10 Board Member Code of Conduct**

The Board expects ethical conduct by itself and its members. This expectation includes proper use of authority and appropriate decorum, whether in a group or individually, when acting as a board member. Failure to uphold board policy may result in removal from office.

1. Board members must avoid any conflict of interest in services between a board member and the College. Refer to Conflict of Interest Policy.
2. Board members must not use their positions to obtain employment by the College, including family members, friends, or associates. The College may employ former board members after a one-year separation from the Board.
3. Board members do not have nor should they attempt to exercise individual authority over the College or its employees.
4. Only the Board Chair interacts with the public, press, or other entities on behalf of the Board of Trustees.
5. Board members are encouraged to participate in educational activities and professional development, including state, regional and national meetings, to enhance their ability to serve effectively as members of the College's governing board.
6. Board members will not permit themselves to be used to circumvent established lines of authority or interfere in the normal procedures for the processing of complaints or grievances within the College.
7. Board members shall respect the confidentiality of privileged information, including discussions, which occur at legally held, closed meetings of the Board.
8. Board members will not present an item for action or discussion, which is not on the published agenda for a board meeting but may request the inclusion of an item on a future agenda.
9. Board members shall prepare for and attend regularly scheduled meetings of the Board.
10. Board members shall demonstrate high ethical standards and adherence to local, state, and federal laws.



A board member may be removed by a majority vote of the Board of Trustees if, in the opinion of the Board of Trustees at its sole discretion, there was a violation of this code of conduct or if the board member's removal is in the best interest of NCK Tech.

## **2:11 Board Compensation**

Board members shall be reimbursed for necessary and actual travel expenses incurred in the performance of their official duties. Board members who provide their own transportation shall be reimbursed at the College's rate per mile for each mile actually and necessarily traveled in the performance of official business. The Board shall determine rates of reimbursement for all actual expenses in the July meeting each year.

Board members shall also be provided liability and other insurance coverage according to law.

## **2:12 Organization of the Board of Trustees**

The regular officers of the Board shall be Chair and Vice-Chair who selected at the July meeting each year by a majority vote of the members present at the meeting. The Board Chair shall preside at all meetings of the Board. In the absence of the Board Chair, the Vice-Chair shall preside. In the absence or inability to act of both the Board Chair and Vice-Chair, the remaining board members shall elect a member to act in that capacity for that meeting.

The responsibilities of the Chairperson are, primarily, the integrity of the Board's process and, secondarily, occasional representation of the Board. The Chairperson is the only board member authorized to speak for the Board (beyond simply reporting board decisions), other than in rare and specifically authorized instances. The Chairperson shall ensure the Board and individual board members act consistently with the Board's own rules and policies.

1. The Chairperson shall preside at board meetings in an efficient and effective manner and shall set the general tone for each meeting through positive leadership.
2. Deliberation will be fair, open, and thorough, but also efficient, timely, orderly, and to the point.
3. The Chairperson will attempt to develop a consensus by the board members on Board decisions.
4. The Chairperson shall appoint members of committees established by the Board.
5. The Chairperson of the Board of Trustees shall serve as a full member of the North Central Kansas Technical College Endowment and Foundation Board. The Chairperson may designate another member of the college's Board of Trustees to serve in this capacity in the event that the Chairperson is unable to fulfill the expectations of this role.

## **2:13 Regular Meetings**

The Board shall establish a schedule of monthly meetings at the June meeting each year.

## **2:14 Special Meetings**

Special meetings may be called at any time by the President of the Board or trustees or by joint action

of at least one-third of the members of the Board. Notice, stating the time, place and purpose of any special meeting shall, unless waived, be given to each member of the Board at least two (2) days in advance of any meeting. No business other than that stated in the notice may be transacted at the special meeting.

## **2:15 Procedures**

The Board shall transact business only when the Board is in open session at a regular or special meeting and a quorum is present.

A quorum shall be constituted by four (4) board members in attendance either via face-to-face, teleconference, video conference, or telephone.

Committees may transact business only within authority specifically granted to them, and all business transacted must be reported at the next board meeting for approval and entry into the minutes.

Citizens may bring issues to an individual board member, which deserves the attention of the full board. Individual board members should avoid making a commitment until the whole board has discussed the matter. The board member shall tell any patron that the matter will be given careful consideration at the next board meeting and that the College President will be informed of the issue.

## **2:16 Board Meeting Agenda**

The Board shall adopt an agenda at the beginning of each meeting. The College President shall distribute to each board member prior to each meeting appropriate background material concerning items on the agenda. The agenda will be sent or given to all board members at least three (3) calendar days prior to any regular board meeting.

## **2:17 Rules of Order**

The Board shall be governed by rules of procedure as adopted by the Board and in accordance with the law. In no event shall the Board adopt Robert's Rules of Order.

The President of the Board (or Vice President in the absence of the President) shall preside at all meetings. The President shall present each agenda item for discussion or designate the College President or other staff member to present the agenda item. If both President and Vice President are absent, the board members present shall elect a President pro tempore who shall serve only for that meeting or for that part of the meeting in which the President and Vice President are absent.

Any board member who wishes to make a motion, second a motion, or discuss pending business shall first secure recognition of the Board President.

All formal board actions shall be taken by ordinary motions unless a formal resolution is required by law.

It shall not be necessary for a motion to be before the Board to discuss an agenda item that has been presented by the Board President for consideration. In the ordinary course of events, the Board shall discuss all matters other than routine procedural questions prior to the making of a motion so

reaching of consensus may be facilitated.

The following motions shall be in order:

- To recess
- To take action
- To amend a motion to take action, but the amending motion shall be disposed of before any other motion to amend the main motion shall be in order;
- To defer action, either finally or to a specific time, date, and place;
- To go into executive session; and
- To adjourn, either finally or to a specific time, date, and place.

The President may call a meeting to order or, without objection from a majority of the Board, call for a break or adjourn the meeting without a motion.

## **2:18 Executive Session**

The Board will conduct executive sessions only as prescribed by law. Reasons for executive session include the following (see [K.S.A. 75-4319](#)):

1. Personnel matters for non-elected personnel;
2. Consultation with an attorney for the Board, which would be deemed privileged in the attorney-client relationship;
3. Matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the Board;
4. Confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
5. Matters relating to actions adversely or favorably affecting a student in a public institution, except that any such person shall have the right to a public hearing if requested by that person;
6. Preliminary discussion relating to the acquisition of real property.
7. Matters relating to security measures, if the discussion of such matters at any open meeting would jeopardize such security measures, that protect:
  - a. Systems, facilities or equipment used in the production, transmission, or distribution of energy, water or communications services;
  - b. Transportation and sewer or wastewater treatment systems, facilities, or equipment;
  - c. A public body or agency, public building or facility or the information system of a public body or agency; or
  - d. Private property or persons, if the matter is submitted to the agency for purposes of this paragraph. Security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion, or to affect the operation of government by disruption of public services, mass destruction, assassination, or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment, and vulnerability assessments.

No binding action shall be taken during a closed or executive session. The purpose of the executive

session shall be for one of the above reasons and shall be stated in the motion. The time the Board will return to the open meeting will be specifically stated in the motion. If necessary, the executive session may be extended with another motion made after the Board returns to open session. The motion shall include the explanation of the reason for executive session.

## **2:19 Minutes**

Accurate minutes of each board meeting shall be taken and transcribed by the Board Clerk. The Board shall review the minutes of each meeting and shall make corrections or changes required to make the minutes accurately reflect actions taken by the Board. The minutes shall be approved and/or corrected at the next regular board meeting.

In the absence of the Clerk, the Board shall designate an acting clerk. The transcribed minutes shall be included in the board packet and sent to the Board prior to the next meeting.

The minutes shall clearly reflect all motions voted on by the Board, including action taken by the Board on motions, which did not pass. The minutes will not contain a summary of each statement, either written or oral, made by the Board member, a guest, or a member of the staff unless the Board chooses to have the written remarks be made part of the minutes.

## **2:20 Board of Trustee Records**

The Board of Trustees shall keep records necessary for the understanding of their actions. The College President shall furnish the Board with annual reports as required. In addition to those records required to be kept by law, the College President shall be responsible for designing and keeping other records necessary for the efficient operation of the College.

## **2:21 Legal Firm**

The Board shall appoint a legal firm, and any one of its member attorneys may serve the Board. The attorney shall serve on terms approved by the Board.

## **2:22 Board Committees**

The Board shall operate at all times as a committee of the whole. There shall be no standing or temporary committees except as otherwise provided for in these policies.

The Board may establish committees for additional input, as it deems necessary. The type and function of each committee shall be dictated by the needs of the College for the special services of each committee. Each committee shall organize itself with the assistance of the College President. The Board, in consultation with the College President, shall determine the members of each committee.

No direct financial assistance shall be furnished to any committee without prior approval of the Board.

The Board may dissolve any such committee at any time.

## **2:23 Guidelines for Public Participation**

The general public shall be invited to attend all board meetings except executive sessions.

Anyone wishing to speak to the Board shall first notify the College President seven (7) days prior to the meeting and state the reason(s) for the request. The College President shall determine whether the request can be solved by the staff without the appearance of that person before the Board. If not, the College President shall place the individual's request on the agenda of the next regular board meeting.

The Board of Trustees's President may ask those individuals attending the board meeting if any of them have something to bring to the attention of the Board. If it appears that the matter which the visitor wishes the Board to consider will consume an amount of time the Board feels cannot be spared at the meeting, the Board may invite the visitor to return at the next regular board meeting; or if the matter is of great importance, the Board may schedule a special meeting for the matter to be presented to the Board.

Only in those cases where satisfactory adjustment cannot be made by a dean, department head, an instructor, a staff member, or the College President shall the College President refer communications and complaints to the Board.

## **2:24 News Coverage**

At the beginning of each academic year, local news media shall be notified of scheduled board meetings. All meetings for the conduct of the affairs of, and the transaction of business by, the Board shall be open for broadcasting and taping.

At each meeting of the Board, the Board may provide seating for members of the news media present. The College President may provide copies of the board agenda, not including supplementary data, to news media prior to each meeting of the Board upon request or as required by law.

The use of cameras, photographic lights, and recording devices at any board meeting shall be allowed subject to reasonable rules, which are designed to ensure orderly conduct. All recording devices, including microphones, shall be kept in an area designated for the media. The use of recording devices shall not interfere with or disrupt the meeting. No cameras or recording devices shall be allowed at executive sessions of the Board.

## **2:25 Strategic Plan**

The Board shall establish and review a set of long-range goals and objectives to guide the operation of the College. All personnel shall direct their efforts toward achieving the goals and objectives of the Board in order to ensure that students are able to function effectively in their environment, employment, and continuing educational efforts.

## **2:26 Policy Development and Revisions**

The President of the College shall present to the Board written recommendations for proposed policy changes and/or additions. In addition, the College President, as the need arises, may advise the Board

when any policy should be changed or added and include the reasons for such change or addition.

## **2:27 Academic Calendar**

The Board shall annually establish a calendar for the academic year, which follows the succeeding academic year (i.e., two (2) years ahead). On or before April 1 of each year, the College President shall present to the Board a recommended calendar. In making this recommendation, the College President shall consider the customs of the area, holidays mandated by law and by board policies, and other matters considered important or matters requested by board members. The College President shall also consider the recommendations of the College's staff in preparing the academic calendar, but its adoption shall not be a subject of discussion in the negotiating process, except as provided by law.

## **2:28 Board – College President Relations**

The Board shall delegate to the College President all administrative duties. While the Board reserves to itself the ultimate decision in all matters concerning general policy or expenditures of funds, it will normally proceed in those areas only after receiving recommendations from the College President. The College President shall attend all board meetings except those meetings or parts of meetings at which his/her evaluation, salary, or re-employment is being discussed and may participate in discussions as requested by the Board.

## **2:29 Conflict of Interest**

### **Purpose**

The purpose of the conflict of interest policy is to protect the integrity of the Board and the College's operations when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a Trustee or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to a publicly-funded institution of higher education.

### **Financial Interest**

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family;

1. An ownership or investment interest in any entity with which the College has a transaction or arrangement,
2. A compensation arrangement with the College or with entity or individual with which the College has a transaction or arrangement, or
3. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the College is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the Board decides that a conflict of interest exists.

## **Procedures**

1. **Duty to Disclose** – In connection with any actual or possible conflict of interest, a Trustee must disclose the existence of the financial interest and be given the opportunity to disclose material facts to the Board considering the proposed transaction or arrangement.
2. **Determining Whether a Conflict of Interest Exists** – After disclosure of the financial interest and material facts, and after any discussion with the Trustee, he/she shall leave the board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board members shall decide if a conflict of interest exists.
3. **Procedures for Addressing the Conflict of Interest**
  - a. An interested person may make a presentation at the board meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
  - b. The Chairperson or the Board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
  - c. After exercising due diligence, the Board shall determine whether the College can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give to a conflict of interest.
  - d. If a more advantageous transaction is not reasonably possible under circumstances not producing a conflict of interest, the Board shall determine by a majority vote of the disinterested Trustees whether the transaction or arrangement is in the College's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.
4. **Violations the Conflict of Interest Policy**
  - a. If the Board has reasonable cause to believe a member has failed to disclose an actual or possible conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
  - b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

## **Annual Statements**

Each Trustee shall sign a statement annually which affirms such person:

1. Has received a copy of the conflict of interest policy,
2. Has read and understand the policy, and
3. Has agreed to comply with the policy.

## **SECTION III: GENERAL ADMINISTRATION**

### **3:1 College President**

The College President is the Board's Chief Administrative Officer who shall be employed as provided by statute and shall be responsible for: instruction, business management, curriculum, property maintenance, personnel management, public relations, institutional research, and other duties assigned by the Board.

### **3:2 Duties of the College President**

The College President is selected by and is responsible to the Board for the discharge of all contracted responsibilities. As chief administrative officer of the Board, he/she shall be charged with administering the College, subject to the policies of the Board.

The College President shall: initiate discussions of institutional policy matters and make policy recommendations to the Board; be responsible for the nature and quality of instruction; be responsible for the institution's business management and budget preparation; be responsible for the operation and maintenance of all college properties; be responsible for personnel management; nominate candidates for employment, contract approval, transfers, promotions, demotions, and terminations; be responsible for student accounting; be responsible for student activities and services; be responsible for a program of public information to acquaint the Board, faculty, staff, students, and the public of significant college developments; attend all meetings of the Board as directed by the Board; be responsible for recommending policies to the Board, and may participate as requested in discussion on all business; be responsible for registering students; and be responsible for maintaining necessary college records.

The Board delegates to the College President the authority to close any or all buildings due to an emergency, such as the presence of a hazard or a weather-related threat. If the College President is unavailable, the Board delegates this authority to the College President's designated representative.

### **3:3 Recruitment of Candidates for the Position of College President**

The Board shall recruit the most capable person available when searching for a new College President. The Board shall consider only candidates who meet both state and local qualifications and who display the ability to successfully carry out the duties of the College President.

The Board may solicit applications from qualified faculty and staff members and may list the vacancy with area, regional and national offices and publications. The Board may contract with a professional search service to recruit candidates.

The Board may appoint a professional committee to screen applications for the position of College President. The Board shall review the results of the screening process and select finalists. The Board, or a subcommittee of the Board, shall interview the finalists.



### **3:4 Appointment of the College President**

The College President shall be offered a one-, two-, or three-year employment contract, renewable annually.

### **3:5 Compensation and Benefits of the College President**

The College President's compensation and benefits shall be determined annually by the Board and shall be based on performance.

### **3:6 Travel Expense Reimbursement for the College President**

While performing official duties, the College President shall be reimbursed for necessary travel expenses incurred at rates established by the Board. A college vehicle may also be provided.

### **3:7 Staff Development Opportunities for the College President**

The College President shall continue learning about the latest educational practices by study, visiting other institutions, attending professional conferences, and other means approved by the Board of Trustees.

### **3:8 Evaluation of the College President**

The Board shall evaluate the College President annually using an evaluation form approved by the Board. This form may be used by the College President as a self-evaluation instrument prior to the Board's evaluation.

Each board member shall complete and submit appraisal forms to the Board President, who will formulate a summary of the individual responses. The summary shall use the same format as the individual board member's appraisal form. The Board authorizes the Board President to sign the summary as the Board's agent and as the evaluator.

The Board shall review the summary with the College President in an executive session and allow time for necessary discussion. In case an interpretation of written comments may be needed, the Board President or the College President may seek additional clarification from individual board members. After the composite evaluation is completed, individual board member evaluation forms shall be destroyed, and the summary and any rebuttal thereto shall be maintained in the College President's personnel file.

The College President's evaluation shall be confidential and be made available only to the Board, the College President, and others as provided by law.

### **3:9 Nonrenewal of the College President's Contract**

The Board may non-renew or terminate the College President's contract in accordance with the terms of the contract and applicable state law.

### **3:10 Resignation by the College President**

The College President may resign at any time by submitting a written resignation to the Board

President at a regular or special board meeting. The Board shall consider accepting the resignation in light of the needs of the College.

### **3:11 Administrative Personnel**

The Board shall employ administrative personnel as the needs of the College require. All administrative personnel shall be compensated with a salary approved by the Board. The College President shall develop appropriate job descriptions for each administrative position. Only those administrative positions authorized by the Board may be filled. The College President shall be responsible for supervising all administrative personnel.

The Board delegates to the College President authority to identify and recommend qualified individuals to fill vacant administrative positions. The Board reserves the right to reject any and all recommendations.

Applicants for an administrative position shall be screened initially by a committee of qualified persons designated by the College President. The College may pay expenses incurred by candidates interviewed. The screening committee shall attempt to conduct interviews on a day the College is in session.

The College President shall conduct an administrative orientation program designed to acquaint personnel with board policies, administrative duties and responsibilities, and other required activities.

The total number of vacation days allowed each administrator shall be designated in the administrator's contract. All administrative personnel shall be subject to a maximum balance of accrued but unused, vacation leave which shall be not more than the number of days which equates to three (3) years' earnings for each employee. Vacation leave, which goes beyond this maximum balance, must be used or will be lost.

Central staff administrative contracts shall be reviewed each May. The term of each contract shall be determined by the Board.

Assignment and transfer of administrative personnel shall be recommended by the College President and is subject to the approval of the Board.

### **3:12 Ethics**

College administrators' behavior must conform to an ethical code. The code must be both idealistic and practical so that it can be applied to all administrators of the College. The administrator acknowledges that the College is open to the public and that educational opportunities should be provided to all. The administrator assumes the responsibility to provide professional leadership in the College community. This responsibility requires the administrator to maintain standards of exemplary professional conduct. The administrator's actions will be viewed by the community, by professional associates and by students and will reflect upon the College. To these ends, the administrator subscribes to the following standards:

The College administrator makes the well-being of students the fundamental value for decision-making and action; fulfills professional responsibilities with honesty and integrity; supports the

principle of due process as required by law and protects the civil and human rights of all individuals; obeys local, state and national laws; implements the governing board's policies and regulations; pursues appropriate measures to correct those laws, policies and regulations, which are not consistent with sound educational goals; avoids using positions for personal gain; accepts academic degrees or professional certification only from duly accredited institutions; seeks to improve the effectiveness of the profession through continuing professional development; and, honors employment contracts until fulfillment or release.

### **3:13 Policy Implementation**

The administrative staff shall carry out and enforce in good faith all board policies and state and federal regulations. Failure of any administrative employee to implement board policy will result in appropriate disciplinary action, up to and including termination.

### **3:14 Administrative Rules**

The College President shall develop the rules and procedures necessary to carry out board policy and to operate the College. These rules and procedures shall constitute the handbooks governing the institution and shall be submitted for approval by the Board.

The College President shall communicate regarding the institution's operations with all levels of staff. He/she shall seek the counsel of employees, especially employees designated to represent large segments of the staff, and shall inform the Board of their opinions when presenting reports of administrative recommendations for board action.

The College President may involve members of the public on committees whenever necessary and when the participation of members of the public may aid in the solution of college problems or enhance recommendations proposed to the Board for action or policy formulation.

When appropriate, the College President is encouraged to include students in the development of administrative rules, which would affect them.

Copies of administrative rules shall be made available to employees who play a role in enforcing the rules or who are affected by the rules for any other reason.

Administrative rules adopted by the Board shall be subject to review by the Board and staff.

In an emergency, when action must be taken and the Board has provided no guidance for administrative action, the College President shall have the power to act, but these decisions shall be subject to board review at the next board meeting. It shall be the College President's duty to inform the Board promptly of these actions and any need for a new policy.

No administrative rule shall be in conflict with board policy.

### **3:15 Administrative Evaluations**

The College President shall develop written evaluation forms for administrators. This form may be used by the administrator as a self-evaluation instrument prior to the President's evaluation. The President shall review the evaluation form with the administrator and allow time for necessary

discussion. All administrative personnel shall be evaluated at least annually, as set forth in [K.S.A. 72-9003](#).

The College President shall report promptly to the Board any administrator who is on a plan of improvement.

The administrator's personnel file shall be reviewed only by the administrator, the College President, the Board, and others authorized by law.

### **3:16 Consultants**

The administrative staff shall encourage the use of professional consultants and other resource persons when their services will help improve the academic and technical programs. All paid consultants shall be approved in advance by the Board. All consultants shall be hired by a written contract.

### **3:17 Public Records**

The Board designates the College President as the Freedom of Information Officer with the authority to establish and maintain a system of records in accordance with the Kansas Open Records Act and may designate the Board Clerk to handle requests for records and to serve as the custodian of the records. The custodian shall prominently display and distribute or otherwise make available to the public a brochure in the form prescribed by the Freedom of Information Officer, pursuant to [K.S.A. 45-226\(b\)\(4\)](#).

A public record is any recorded piece of information regardless of form or characteristics, which is made, maintained or kept by or is in possession of the College, including those exhibited at public board meetings. This excludes records copyrighted by persons or groups other than the College and other exceptions according to current statute.

Records maintained by the College President shall include, but not be limited to, the following: financial, employee, personnel, property (both real and personal) owned by the College.

Records maintained by department heads shall include, but not be limited to, the following: shop funds, student records, shop inventory, and fixed-asset inventory.

All records except those deemed confidential by the Kansas Open Records Act shall be open to inspection by the general public during regular office hours. Whenever the administration building on each campus is closed on normal business days, the telephone number of an available administrator who will accept a request for access to records shall be posted.

Requests for access to open records shall be made in writing to the official custodian of college records. The official custodian shall examine each request to determine whether the record requested is an open record or subject to exemption by the Kansas Open Records Act. The custodian's decision shall be made within three (3) business days of receipt of the request as provided by law. If access is not granted immediately, the custodian shall give a detailed explanation of the delay, and the time and place the record will be available.

If the custodian does not grant the request, the person requesting shall, within three (3) days of the

request, receive a written explanation.

The record custodian shall file all requests and their dispositions in the appropriate office and make reports as requested by the College President or the Board.

Advance payment of the expense of copying open records shall be borne by the individual requesting the copy, but the expense shall not exceed the actual cost of making copies, including an employee's time. Under no circumstances shall the record documents be allowed out of their usual building location without approval of the official record custodian.

All records shall be kept for the minimum length of time required by law. The College President is responsible for the destruction of records according to current law.

Employees are prohibited from giving or selling lists of any college records to any person except as authorized by law or board policy.

## **SECTION IV: FISCAL MANAGEMENT**

### **4:1 Financial Accounting**

The accounting procedures used by NCK Tech will be in compliance with the Kansas Board of Regents (KBOR) accounting practices and will be based on the Generally Accepted Accounting Principles (GAAP) as recommended by the American Institute of Certified Public Accountants (AICPA).

The College will use a fund accounting system with the following fund groups: general fund, federal, scholarship, enterprise, activity, and emergency loan funds.

### **4:2 Budget Development**

Budget development will include the preparation of a comprehensive budget and a summary version. The budget sets expenditure guidelines for the operational working budget and is approved by the Board in June.

An encumbrance shall be made when a purchase is made or when an approved purchase order is processed. All encumbrances shall be charged to a specific fund. All necessary encumbrances shall be made by the College President.

### **4:3 Purchasing**

The purchasing, receiving, storing and distribution of supplies, equipment and services shall be managed efficiently and economically.

The Board reserves the right to establish the specifications for the quality of goods and services purchased by the College. The person initiating the purchase request shall be responsible for seeing that all specifications requested are complete.

In purchasing goods and services for North Central Kansas Technical College, the Board of Trustees feels a responsibility to both the local businesses and the taxpayers of the participating districts. They feel a responsibility to buy from our local businesses since these businesses are owned by people paying taxes to help support NCKTC. In addition, they are obligated to all Kansas taxpayers to operate the College as efficiently as possible. Therefore, these commitments should be kept in mind when requesting goods and services. The matter of convenience and satisfactory service to the College should also be a determining factor in selecting businesses from which to buy. Long-term obligatory commitments to businesses for goods and services should be avoided. Whenever possible, standard lists of supplies and equipment shall be developed in budget areas.

### **4:4 Requisitions**

Purchases start with the completion and submission of a NCKTC online "Purchase Requisition" form. The requisition form is the internal document used by the requestor to identify specific goods or services being requested, and with which to obtain authorization to purchase these goods and services. Goods or services are defined as any item(s) of

equipment, supplies, materials, and services of any type or nature, and travel. Departments should submit requisitions online with copies of quotes or invoices attached.

A purchase requisition is required in most circumstances to initiate a purchase. Purchase Requisitions are to be completed at the department level. The request includes the date, delivery information, vendor, description of the item(s) and/or service requested, model number, catalog number, unit price, quantity, total price including freight/shipping and handling, FAX and telephone numbers and an account number. Once submitted, the requisition will be forwarded to the requestor's respective supervisor(s) for review and approval, whereby they are forwarded to the Vice President of Finance & Hays Operations for final approval.

When requisitions are approved by the Vice President of Finance & Hays Operations they are forwarded to the Accounts Payable Clerk for generation of an official NCKTC Purchase Order, and entry into the college general accounting system.

#### **4:5 Purchase Orders**

Once a purchase order has been issued, a purchase on behalf of the College may be made. Purchase orders may require additional approval if any of the following criterion are met:

\$20,000 – The Board approves capital outlay and special projects over \$20,000.

When the order is placed by the department or Business office, the online purchase requisition will be moved back to the status of the Department Chair or staff who initiated the requisition. When the product is received, the Department Chair or staff will enter the item as received online. The requisition will then be forward to the Accounts Payable Clerk. If there is a discrepancy, the Department Chair or staff will notify the vendor for resolution before the requisition is received online.

Invoices and packing slips are to be turned in to the Business Office within two working days of receipt of goods or services.

#### **4:6 Purchasing Guidelines**

The following guidelines for transaction amounts will provide a basis for determining when competitive bidding may be required. A copy of this policy shall be given to bidders upon request. Bids and supporting documentation should be retained for a period of one year after the bids have been opened.

\$0 - 4,999.99 – Selection of the supplier may be made by on an open-market basis.

Quotations may or may not be solicited, as determined by the Vice President of Finance & Hays Operations.

\$5,000- \$19,999.99 – Quotations shall informally be obtained from three (3) or more qualified sources when possible. Multiple quotes may not be required if recent purchase information or cooperative purchasing plans or agreements provide assurance of competitive pricing. However, any purchase of a piece of equipment over \$5,000 requires three (3) quotes for capital outlay, Perkins, and some grant purchases.

\$20,000 and over (other than construction) – Obtain Board approval, when necessary, prior to purchase and follow the guidelines for purchases of \$5,000 - \$19,999.99.

Construction \$20,000 and over - Competitive sealed bids or Requests for Proposals for the purchase of products or services shall be solicited from at least three (3) qualified sources when possible. Invitations to bid can be made directly by advertising in the College approved newspaper(s), and/or on the College website. Notices shall be at least three (3) days prior to scheduled bid opening for items under \$50,000 and at least ten (10) days prior to scheduled bid opening for items estimated to cost over \$50,000.

### **Federal Funds**

- To extend practicable, the College will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the College considers the price to be reasonable.
- If small purchase procedures are used the College will use price or rate quotations from an adequate number of qualified sources.
- Purchases with Federal funds over \$5,000 can be made using the Request for Proposal (RFP) method. The RFP must comply with all Federal requirements including fair and open competition. The College may not specify a specific brand name, vendor, or company. The RFP shall not contain brand-name-only competition.
- Requests for Quotations (RFQs) may be used to solicit offers from vendors to establish pricing and terms/conditions. RFQs may be solicited informally via facsimile, electronic mail, written documentation or verbally.
- Requests for Bids (RFBs) may be used to solicit offers from vendors for construction projects that exceed \$20,000 and done on a formal basis with a written RFB document through a sealed bidding process. Formal bids are open to the public and results are considered public information after a bid is awarded or all bids are rejected.
- Requests for Proposal (RFPs) may be used where and whenever the College determines that because of the nature and complexity of the goods and/or service to be acquired, it would be in the best interest of the College to seek proposals rather than quotations or bids. In this event, the College reserves the right to accept or reject any and all proposals, in whole or in part, to take exception to any RFP specifications, to make an award based solely on the proposals received, or to negotiate further with one or more vendors. The College also reserves the right to negotiate a contract with the selected vendor which is at variance with the RFP.



## **4:7 Bid Requirements**

In order for sealed bidding to be feasible, the following conditions should be present:

Bid specifications shall include, when necessary; required performance, surety, bid and statutory bond information; compliance with preferential bid law; compliance with all federal, state and local laws, ordinances and regulations; financial statements; the Board's right to reject any or all bids; the date, time and place for the opening of the bids; and, other items as the Board directs.

Two or more responsible bidders are willing and able to compete effectively for the business; and

The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

The invitation for bids will be publicly advertised and bids will be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids.

Bids are to be submitted in sealed envelopes with the name of the bidder marked on the envelope.

Bids shall be opened publicly on the stated day and time. Bidders and other interested persons may be present when bids are opened. Any person designated by the Board may open bids and one other college employee shall witness the opening.

The Board shall avoid negotiation of bid specifications after bids have been accepted and shall correct and request new bids if specifications are inadequately written. If an error is discovered in bid specifications, bids shall be returned unopened and the project shall be rebid using corrected and/or amended specifications.

Any bid may be withdrawn and/or corrected prior to the scheduled opening time and no later than two (2) days after the bids have been opened if a non-judgmental error has been made. Any bid received after publicized date and time shall not be considered by the Board.

The Board reserves the right to reject any and all bids and to ask for new bids. This reservation shall be specified in the publication or notification of bid letting. The Board reserves the right to waive any informality in or reject any parts of a bid.

The Board may participate in multi-state purchasing pools.

### **Procurement by competitive proposals.**

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

Requests for proposals will be publicized and identify the evaluation factors and their relative importance, including vendors with previous experience with the college. Any response to publicized requests for proposals will be considered to the maximum extent practical;

Proposals will be solicited from an adequate number of qualified sources;

Contracts will be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

The College may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

### **Procurement by Noncompetitive Proposals.**

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- The item is available only from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- After solicitation of a number of sources, competition is determined inadequate.

### **Sole Source/Single Source Procurement**

In cases where there is no practical value in soliciting competition for materials or equipment and where only one source is available, it is possible to make the purchase without formal bidding. Requests will be evaluated and a determination will be made as to whether a sole source acquisition is appropriate. To initiate the process:

Sole/Single-source procurements will be justified in sufficient detail to explain the basis for suspending the usual competitive procurement process.

Sole/Single-source procurements will require board approval prior to purchase, if no prior resolution authorizing the purchase of the goods/services exists.

Because a product has unique upgrades or features does not mean they are necessary for the scope of the project. Careful distinction is used when determining between "sole source" and "sole product."

If only one PRODUCT will do the job, but that product is available from different vendors, a "sole source" acquisition is not appropriate. Contact the College's Vice-President of Finance and Hays Operations for additional information or clarification.

**Single Source-Defined:** Single Source is procurement which will be followed when, although two or more vendors supply the commodities or services, the department selects one for substantial reasons, eliminating the competitive bidding process. 'Single' means 'the one among others'.

**Sole Source-Defined:** Sole Source is procurement in which only one vendor is capable of supplying the commodity or service. This may occur when the goods or services are specialized or unique in character. Written justification will be provided. 'Sole' means 'the one and only'.

**Sole Source Justification Letter:** Submit a sole source justification letter to Purchasing Services that includes:

- A product description, including quantity and technical features.
- History of prior purchases and their nature (competitive vs. noncompetitive).
- Statement as to the unique circumstances that require award by noncompetitive bid/proposal.
- An explanation of why the product is unique, if applicable: either (a) The product has special technical qualities, essential to the proposed use/function, and no acceptable substitutes are available from another supplier/manufacture; or (b) The product is a replacement or auxiliary part to match existing specialized equipment with unique physical design and quality requirements serving a particular function/use.
- Proof of no known equal, including a description of attempts to find an equal from other vendors and verification/information of only one available source.
- An explanation that the purchase price is reasonable:
  - Attach documents that prove that the manufacturer offers the best price available because a purchase from a distributor includes the distributors mark-up.
  - Attach a written certification letter from the vendor that its sales price is the best price it offers to any similarly situated educational or non-profit customer.
  - Description of the efforts made to find competitive sources.
  - Statement as to the efforts that will be taken in the future to promote competition for the requirement.

Letter will be signed/approved by the President, or board designee. Once your letter has been received, then the sole source request may have to go before the Board for approval.

## **4:8 Definitions**

### **2 C.F.R. § 200.33 Equipment**

Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$2,500. See also §200.12 - Capital assets, 200.20 - Computing devices, 200.48 - General purpose equipment, 200.58 - Information technology systems, 200.89 Special - purpose equipment, and 200.94 - Supplies.

### **2 C.F.R. § 200.48 General purpose equipment**

General purpose equipment is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles.

### **2 C.F.R. § 200.89 Special purpose equipment**

Special purpose equipment is used only for research, medical, scientific, or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

### **2 C.F.R. § 200.94 Supplies**

Tangible personal property other than those described in § 200.33 - Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$2,500, regardless of the length of its useful life.

### **2 C.F.R. § 200.320(c) Methods of procurement to be followed**

Procurement by sealed bids (formal advertising). Bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction if the conditions in paragraph (c)(1) of this section apply.

Micro-purchase- Is defined as an acquisition of supplies or services, the aggregate amount of which does not exceed the threshold as defined in 2 C.F.R. § 200.320.

## **4:9 Payment Procedures**

The Board shall consider bill payments at regular board meetings upon the College President's recommendation through the approval of the monthly financial report.

The Board may designate one or more employees to pay bills in advance of any board meeting in order to avoid a penalty for late payment or to take advantage of any early payment discount.

All financial documents will be issued using the individual's legal name.

#### **4:10 Emergency Authority**

The College President shall have the authority to make emergency expenditures necessary to respond to a sudden or unexpected turn of events where the delay of competitive bidding would risk harm to public health, welfare or safety; endanger assets of the College; prevent compliance with a contractual or legal deadline; or be detrimental to the interests of the College. In these situations, competitive purchasing procedures are not required. The Board at the next special or regular meeting shall ratify any emergency purchase.

#### **4:11 Shop Funds**

A quarterly report shall show the opening and closing balances of each department shop fund. The report shall also show the total amount of deposits and expenditures. The items of expenditures shall be included in the listing of bills to be approved.

Shop fund balances at the end of the fiscal year shall be moved to a fund designated by the Board. The Vice President of Finance and Operations shall make all payments from shop funds.

#### **4:12 Student Activity Funds**

Any activity which involves the expenditure of activity funds shall be subject to prior approval of the President.

The department chairs shall maintain an accurate record of all student activity funds in the respective departments. No funds shall be expended from these accounts except in support of the student activity program. No activity account shall have a negative balance.

All student activity funds will be audited annually at the same time as the general fund budget.

All payments from student activity funds shall be made from purchase orders signed by the employee responsible for the fund.

Receipts shall be kept for all revenue deposited into the activity fund of each department. Once payments received are in excess of \$200, such revenue shall be submitted to the cashier. All payments from the activity fund shall be by checks provided for that purpose. Receipts shall be submitted to the cashier once they exceed \$200.00 or monthly, whichever occurs first.

The College will assume control of all inactive activity funds and disburse those funds to other activity accounts or expend the funds as directed by the Board.

Each student activity fund shall have an employee in charge of the fund.

## **4:13 Fixed Assets Accounting**

The Board shall follow statutory provisions for all accounting and fiscal procedures. Accounting control over fixed assets shall be governed by guidelines published by the Municipal Accounting Section of the Division of Accounts and Reports of the Kansas Department of Administration and the rules and regulations of the Board.

A general fixed asset is defined as an item consisting of land, buildings, and equipment having a useful life greater than one year for which the capitalized value must be \$20,000.00 or greater for building improvements and \$2,500.00 or greater for equipment. Equipment may be accounted for either by individual units or group items.

The College President shall be responsible for:

1. identifying all general fixed assets and determining their capitalized value;
2. assigning the responsibility for their custody for inventory purposes;
3. for formulating record forms and inventory schedules; and
4. avoiding duplication and inefficient use of fixed assets.

General fixed assets are not to be depreciated. All equipment items shall be stamped or labeled with an individual serial number, unless they are classed as group equipment, such as folding chairs.

Fixed assets must be capitalized in one of the following ways:

1. original cost,
2. estimated value, or
3. market value at the date of receipt. The record may also include insurance values, replacement values, and/or market value at the time of inventory to avoid duplicating records.

If a piece of equipment is identified by the department chair responsible for the equipment as being obsolete, damaged beyond repair, completely depleted/used or junk and the department wishes to dispose of the equipment, the department must obtain authorization from the VP of Finance & Operations to dispose of the equipment. Once the department receives authorization, the equipment can be disposed of or sold. Fixed assets will be sold once it is determined that the equipment has no value to any department within the College. Sale proceeds will be recorded to the College's general fund, or sponsored projects if applicable. The department chair is responsible for notifying the VP of Finance & Operations of the equipment description, fixed asset number, date of sale/disposal, and the sale amount. Once a piece of equipment has been sold or disposed of, the fiscal office will remove the equipment from the fixed asset inventory.

The Board retains the responsibility to authorize the procurement and disposition of general fixed assets. This includes specific authorization of purchase orders procuring general fixed assets, authorizing the sale, trade-in or scrapping, or excusing inventory shortages.

## **4:14 Inventories**

An accounting shall be made annually for all property, real and personal, owned by the College.

The College President shall develop an inventory record system. All inventory records shall be updated annually showing deletions and additions of property, the estimated value, estimated original cost, date of purchase, serial numbers (when available), and location of each piece of property.

Following guidelines developed by the College President, each assigned employee shall take an annual inventory. One copy of each inventory taken shall be filed with the custodian of records in that building and one copy shall be filed in the central office with the Vice President of Finance and Operations.

#### **4:15 Insurance Coverage**

All college-owned property, real and personal, shall be insured to cover losses from natural causes, fire, vandalism, and other casualties. Insurance shall also cover theft of college monies.

To the extent permitted by law, the Board may insure all employees against legal action arising out of the performance of any authorized duties. The Board may authorize the College to join a group-funded pool to provide insurance coverage.

The College may designate one or more insurance agents of record. The College President may work with the insurance of record or group-funded pool to develop adequate insurance programs and/or proposals covering the College's employees and property.

#### **4:16 Worker's Compensation**

The College shall participate in worker's compensation as required by current statute.

All employees of the College shall be covered by workers compensation. Workers compensation coverage is provided for all employees regardless of assignment, length of assignment, and/or hours worked per day. Benefits are for personal injury from an accident or industrial diseases arising out of and in the course of employment with the College.

An injured employee must notify the designated employer's workers compensation coordinator or, if the coordinator is unavailable, his or her supervisor within 20 days of the injury or within 20 days of repetitive trauma in order to be eligible for benefits.

The workers compensation plan will provide coverage for medical expenses and wages to the extent required by statute to those employees who qualify; however, the amount of workers compensation benefits and paid leave benefits shall not exceed a regular daily rate of pay. An employee using paid leave in combination with workers compensation will be charged for one full or partial day of paid leave, as provided for in the applicable leave policy or the negotiated agreement, for each day of absence until the employee's paid leave is exhausted.

Any employee who is off work and receiving workers compensation benefits shall be required to provide the designated workers compensation coordinator with a written doctor's release before the employee is allowed to return to work. In addition, should the employee be released to return to work by a doctor and fail to do so, all benefits under paid leave shall terminate, and those benefits under workers compensation shall be restricted as provided by current statute.

Whenever an employee is absent from work and is receiving workers compensation benefits due to a work-related injury or is receiving college paid disability insurance, the employee may use available paid leave to supplement the workers compensation or college paid disability insurance payments. Workers compensation benefits and FMLA benefits provided in a board-approved plan shall run concurrently if both are applicable.

In no event shall the employee be entitled to a combination of workers compensation benefits, college paid disability insurance, and salary in excess of his/her full salary. Available paid leave may be used for this purpose until:

1. Available paid leave benefits are exhausted;
2. The employee returns to work;
3. The employee is released by the medical provider and a position is offered by the employer, but the employee declines to return to work; or
4. Employment is terminated. Paid leave shall be calculated on a pro-rata amount equal to the percentage of salary paid by the College.

### **Testing**

The Board, through its designated workers compensation coordinator, may require a post-injury chemical test as authorized by [K.S.A. 44-501, et seq.](#), and, if such test is refused, all workers compensation benefits shall be forfeited by the employee.

### **Choice of Physician**

The Board shall have the right to choose a designated health care provider to provide medical assistance to any employee who suffers an injury while performing their job. However, if the injured employee chooses to go to a medical provider other than the designated provider, the recovery for such expenses shall be limited to \$500.00.

## **4:17 Bonded Employees**

The Board shall purchase a blanket fidelity bond for college employees in an amount to be determined by the Board. The College President, Vice President of Finance and Operations, cashier, payables clerk, Board Clerk, and Hays administrative assistant shall each be bonded for \$100,000 per incident.

## **4:18 Official Depositories**

The official depositories for the College are First National Bank, Beloit; Guaranty State Bank, Beloit; Sunflower Bank, Hays; and Emprise Bank, Hays.

## **4:19 Investment of Funds and Posting Securities**

The investment of college monies shall be the responsibility of the College President or Vice President of Finance and Operations. Any monies not immediately required for the purpose for which the monies were collected or received and the investment of which is not subject to or regulated by state or federal laws or regulations, may be invested in temporary notes or no-fund warrants issued by the Board; time deposits, open accounts or certificates of deposit in any insured commercial bank, savings association, and/or credit union approved by the Board; in repurchase



agreements and banks, savings associations and credit unions approved by the Board; and, in United States treasury bills or note maturing in twelve (12) months or less. All investments of college monies shall be secured in accordance with the requirements of state law.

#### **4:20 Gifts and Bequests**

Income derived from gifts and bequests shall be credited, if possible, to the fund requested by the donor. If the donor's request cannot be fulfilled, the gift or bequest shall be deposited in any fund specified by the Board.

#### **4:21 Rental of College Facilities**

Proceeds for fees for buildings and or equipment use or rental shall be credited to the College general fund.

All persons using the facilities and/or resources of the College shall be charged a fee based on a schedule approved by the Board annually. The College President shall be authorized to waive the fee for entities or programs that are beneficial to the College.

#### **4:22 Investigation of Fraud and Whistleblower Protections**

All employees, board members, consultants, vendors, contractors, and other parties maintaining a business relationship with the College shall act with due diligence in duties involving the College's fiscal resources. The College President shall develop internal controls that aid in the prevention and detection of fraud, financial impropriety, or irregularity.

An employee who suspects fraud, impropriety, or irregularity shall promptly report those suspicions to the immediate supervisor and/or the College President. The College President shall have primary responsibility for any investigations in coordination with legal counsel and other internal or external departments and agencies as appropriate.

The College encourages complaints, reports, or inquiries about illegal practices or violations of college policies, including illegal or improper conduct by the College, its leadership, or by others on its behalf. Reports could include, but not be limited to, financial improprieties, accounting, or audit matters, ethical violations, or other similar illegal or improper practices or policies. The College prohibits retaliation by or on behalf of the College against staff members who make good faith complaints, reports, or inquiries under this policy or for participation in a review or investigation under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. The College reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this policy.

Complaints, reports, or inquiries may be made under this policy on a confidential or anonymous basis. They should describe in detail the specific facts demonstrating the bases for the complaints, reports, or inquiries. They should be directed to the College President. If the College President is implicated in the complaint, report, or inquiry, it should be directed to the Board. The College will conduct a prompt, review, or investigation. The College may be unable to fully evaluate a vague or general complaint, report, or inquiry that is made anonymously.

## **SECTION V: BUSINESS MANAGEMENT**

### **5:1 Building and Property Management**

All college buildings and property shall be maintained and inspected on a regular basis. The College President shall develop a comprehensive program that will ensure proper maintenance of all college property.

### **5:2 Safety and Security**

The College shall make all reasonable efforts to provide a safe environment for students and employees.

The Board will seek to cooperate with local governmental officials, emergency preparedness authorities, and other related state and federal agencies to maintain adequate disaster warning systems.

The President, department heads, and maintenance personnel shall periodically inspect the buildings, boilers, equipment, and other appropriate areas to see that they are adequately maintained. Written records of these inspections shall be maintained.

If repairs are necessary, the individual conducting the investigation shall immediately submit a report with the appropriate supervisor or the College President in writing. Necessary steps either to repair or to remove the defect shall be taken as soon as possible. Defects which will require expenditure of money shall be reported to the Board in compliance with rules regulating these circumstances. Any defects not immediately removed, repaired, or otherwise eliminated shall be appropriately marked and secured.

The College shall attempt to ensure that students, patrons, and property are protected from possible injury or damage. Security devices may be installed at college campuses and facilities. Adequate outside lighting shall be installed to provide illumination. Other measures may be taken to prevent intrusions, trespassing, or disturbances from occurring on college property. The College shall attempt to cooperate with law enforcement in security matters.

### **5:3 Hazardous Waste Inspection and Disposal**

Inspection of college facilities for hazardous waste shall be conducted on a regular basis. Written records of these inspections shall be maintained.

When hazardous waste material is produced in a shop or any location within the College, its disposal shall be in accordance with state and federal rules, regulations, and statutes.

### **5:4 Vandalism**

All college personnel shall report any vandalism to their immediate supervisor. Personnel are expected to lock or otherwise secure any files, records, safes, or similar compartments at the close of each academic day.

The Board shall seek restitution according to law for loss and damage sustained by the College.

Staff members shall notify the College President of any loss of, or damage to, college property. The College President shall investigate the incident. The cost involved in repairing the damage and/or replacing equipment will be determined after consultation with appropriate personnel.

Restitution payments shall be made to the business office, and account records will be kept. If necessary, provisions may be made for installment payments.

Accounts not paid in full within the specified time may be processed for legal action.

The Board may offer a reward for information leading to the discovery, arrest, and conviction of persons committing acts of vandalism. The offer will conform to state law and conform to [K.S.A. 12-1672a](#).

### **5:5 Long-Range Maintenance Program**

Each year the College President shall develop priority lists outlining long-range maintenance of college property, buildings, and grounds.

The College President shall present reports to the Board annually concerning the College's maintenance priorities. A cost analysis shall be attached to the report.

### **5:6 Equipment and Supplies Management**

A quantity control system shall be maintained to prevent shortages or mismanagement of equipment or supplies. The system shall be kept up-to-date and be accurate enough to provide information for budget preparation each year.

### **5:7 College Vehicles**

College vehicles will not be loaned, leased, or subcontracted to any person, groups of persons or organizations except as allowed by law and are subject to the approval of the College President.

All college vehicles will be adequately insured.

A person must have a valid driver's license and a clean driving record for three (3) consecutive years to operate a college-owned vehicle. Whenever expenses for college-owned vehicles cannot be charged or paid directly by the College, employees may be reimbursed for routine expenses incurred for gasoline, oil, lubricants, tolls, parking fees, and other similar purchases. Employees may also be reimbursed for properly authorized expenditures for vehicle repair and maintenance. Receipts verifying expenditures should be submitted with the employee's statement of travel expenses.

All college vehicles shall be housed in areas designated by the College President. If college vehicles are assigned to designated employees or departments, the employee or department chair shall be responsible for proper care, maintenance, and housing of the vehicle either at a college-owned site or, if approved by the College President, at the employee's residence.

The use of college vehicles shall conform to current state law. At times it may be necessary to pay mileage to meet the transportation needs of students.

## 5:8 Travel Expense Revised 07/24/23

NCK Tech employees may be required to travel in fulfilling their official duties or in attending seminars or other professional or educational activities benefiting the College. The College may reimburse employees, within prescribed limitations, for all necessary and actual travel expenses incurred during travel on official college business. All travel by employees shall be entered into the online purchase requisition system for approval. Employees should provide themselves with sufficient personal funds for all anticipated expenses. Advances from the College to cover expenses are not allowed. In exceptional circumstances or hardship cases, an advance for travel must be authorized by the Vice President of Finance and Operations for an amount that will cover the anticipated travel expenses. If a travel advance is given to an employee, the employee is required to turn in a Statement of Travel Expenses along with receipts upon returning to the College. If the allowed expenses are less than the advance, the employee is expected to reimburse the College immediately for the difference. If the employee cannot immediately pay back the difference, travel advances are recoverable from the employee by:

1. Set off against the accrued pay or other amounts due to the employee; and
2. Other methods provided by law. If a traveler paid for another traveler's expense, these expenses are still subject to the same limitations as for the employee. The employee is expected to turn in a statement of travel expenses online or by presenting the Vice President of Finance and Operations upon returning to the College.

The employee is required to turn in all receipts and required documentation with the statement of travel expenses.

The Vice President of Finance and Operations shall develop rules and procedures for travel reimbursement, which shall be approved by the Board annually.

**Travel Rates Mileage Reimbursement** – Employees should use college owned vehicles whenever possible. An employee needs authorization from their supervisor prior to travel to use a private vehicle for official college business. Employees are authorized to travel by private vehicle may be reimbursed for allowable standard mileage at the standard business mileage rate established by the Internal Revenue Service. This reimbursement rate is considered to cover all costs associated with the use of the privately-owned vehicle. This includes, but is not limited to: gasoline, oil, tires, repairs, insurance, license fees, depreciation cost and expenses of any type. Mileage will be calculated as the distance between the college and the location of the meeting/lodge.

**Lodging Reimbursement** – Taxes and fees associated with lodging are not considered when applying the maximum lodging limit to the traveler's lodging rate. If the lodging rate is more than the limitation rate, the motel must be a conference motel or the traveler must have prior approval from the Vice President of Finance and Operations in order to receive full reimbursement.

**Meal Reimbursement** – Employees may be reimbursed for meal expense while in travel status. Employees should take advantage of hotel free breakfasts and conference meals when possible. Employees will not be reimbursed for any alcoholic drinks. Meal rates are as follows: Breakfast \$15.00; Lunch \$20.00; Dinner \$30.00.

## 5:9 Credit Card Use Policy Revised 07/24/23

The purpose of this policy is to provide employees with information about the credit card program and to provide a guide for the use of their NCK Technical College issued credit card or purchasing card in a manner which is consistent and fair to each employee, while managing costs and ensuring compliance with Federal and State regulations and College policies.

**Card holders and their supervisors will be expected to adhere to the guidance set forth in this policy. Any violator will be subject to disciplinary action, including but not limited to credit card revocation and/or the requirement to reimburse the College for any unauthorized charges.**

**Please note the following guidelines, responsibilities, and expectations.**


- Card holders must obtain prior approval for expenses incurred on behalf of the College and paid for with a NCK Technical College credit card or purchasing card, including but not limited to travel and lodging accommodations, conference registration, professional license and membership subscriptions, annual dues, etc.
- Card holders must obtain an itemized receipt for each purchase. Card holders should be especially mindful of this when purchasing meals, as some restaurants will only return the summary receipt with the total and the tip. In this case, a detailed receipt which lists the meals and drinks purchased must be requested and retained.
- All itemized receipts must be attached to the Purchase Requisition in DocuPhase. The receipts are necessary to substantiate the expenditure and support allowability by the College, donor, other funding agency, and the IRS and will be made available for review by the College's external auditors or other governmental agency as needed.
- In the event that a receipt is lost, card holders must complete a [Missing Receipt Affidavit](#) and attach it to their Purchase Requisition.
- All card holders are responsible for all charges to their credit card or purchasing card - even if the transaction is a credit (refund) or fraud. All appropriate documentation (as noted above) must be attached to the transaction.
- The credit card program is intended for NCK Technical College business, therefore NCK Technical College issued credit cards may not be used for personal expenses. If a card holder accidentally uses their NCK Technical College credit card for personal expenses, they should alert their manager and contact the Procurement Department on how to reimburse the College for the expense. Documentation of reimbursement should be attached to the transaction in DocuPhase.
- NCK Technical College is exempt from sales tax in Kansas and as such the cardholder should inform the vendor and request that sales tax be removed from any purchases.
- All purchases should follow Board Policy 4.4 Requisitions.

While we ask employees to process credit card transactions within 7 calendar days of purchase, failure to submit a fully completed Purchase Requisition may result in loss of use of the card.

### **Fraudulent Use of the Credit Card**

The term "fraudulent use" refers to the use of the card with a deliberately planned purpose and intent to deceive and thereby gain a wrongful advantage for oneself or others. In addition to the College receiving reimbursement from the cardholder, any or all of the following actions may occur when fraudulent use of the card occurs:

- Immediate suspension of card privileges.
- Removal of cardholder's purchasing authority.

- 
- Formal disciplinary action, which may result in the termination of employment.
  - Any actions deemed appropriate by the College, including criminal prosecution.

### **5:10 Abandoned Vehicles**

The College reserves the right to remove, impound or immobilize any illegally parked or abandoned vehicle; any vehicle with no license plate; or any vehicle parked in such a manner as to constitute a serious hazard to vehicular or pedestrian traffic or the movement and operation of emergency equipment. The registered owner shall be responsible for all costs involved in the removing, impounding, immobilizing and/or storing of such vehicles.

An abandoned vehicle is defined as any vehicle (bicycles, golf carts, all-terrain vehicles, scooters, motorcycles, cars, trucks, trailers, boats, and jet skis) left unattended for a period of thirty (30) days on any campus, site, grounds and/or roads that are owned, leased, rented or operated by NCK Tech. The maintenance and housing departments at NCK Tech will survey college property and identify abandoned vehicles by placing notification tags, including date of tag and action to be taken, on the vehicle. Vehicles that have not been moved or fixed thirty (30) days after being tagged will be turned over to the City Code Enforcement Department or the City Police Department for removing, impounding or immobilizing. NCK Tech and/or its agents shall make a reasonable effort to identify and notify the owner of an abandoned vehicle of its removal and impoundment. NCK Tech and/or its agents or employees shall not be liable in any manner for any damage to an abandoned vehicle occurring during the removal, impoundment and/or storage.

### **5:11 Food Service Management**

A supervisor may be hired by the Board to oversee food service operations. The appropriate supervisor shall inspect each cafeteria to ensure proper sanitation procedures are being followed. The supervisor shall be responsible for keeping food service records required by state and federal laws and regulations.

Meal prices shall be determined by the Board prior to the beginning of each academic year. Requests for catering of special events shall be approved through the College President or designee.

### **5:12 Data Management**

Data collected by the College may be disseminated with board approval in accordance with current law. Data may be provided to an authorized education agency of the state or federal government upon proper request, subject to the approval of the Board or provisions of law.

### **5:13 Copyrights**

The copyright laws of the United States make it illegal for anyone to duplicate copyrighted materials without permission. Severe penalties are provided for unauthorized copying of all materials covered by the act unless the copying falls within the bounds of the “fair use” doctrine. Any duplication of copyrighted materials by college employees must be done with permission of the copyright holder or within the bounds of “fair use.” The legal or insurance protection of the College shall not be extended to employees who violate any provisions of the copyright laws.

Software acquired by staff, using either college or personal funds, and installed on college computers or electronic devices must comply with copyright laws. Proof of purchase (copy or original) for software must be filed in the College President's office.

Illegal copies of copyrighted programs may not be made or used on college equipment.

### **5:14 Solicitations**

The Board discourages solicitations of and by staff members during regular college hours and at college-sponsored activities. Solicitations that benefit the College or relate to the educational programs must be approved by the College President or designee. Agents, solicitors, and salesmen shall not be permitted to take the time of teachers or students from educational activities. The students and faculty of the College shall not promote commercial or private financial interests, either through direct sales or through the promotion of competitive goods or services.

Appointments with college staff during duty hours shall be held at a time approved by the appropriate supervisor. If a vendor violates this policy, the vendor may be suspended from making appointments with and soliciting college employees. Notices of the suspension shall be provided to the College President, the vendor's supervisor, and the Board. Any employee violating this policy will be subject to appropriate disciplinary action, up to and including termination.

### **5:15 Federal Program Administration**

Federally funded programs are necessary for the College's program offering. The Board shall ensure that all federal programs operate in accordance with federal laws and conditions. The College President is responsible for administering the College's federal programs.



## **SECTION VI: POLICIES APPLICABLE TO PERSONNEL & STUDENTS**

### **6:1 Non-Discrimination**

As required by the 1979 Guidelines for Eliminating Discrimination in Vocational Education Programs, NCK Tech is pleased to announce that it is offering the following Career and Technical Education programs for the 2020-2021 school year: Business Management; Business Technology; Agricultural Equipment Technology; Automotive Collision Technology; Automotive Technology; Carpentry/Cabinetmaking; Culinary Arts; Diesel Technology; Electrical Technology; Heavy Equipment Operations; Information Technology; Nursing (A.D. & LPN); Pharmacy Technician; Plumbing, Heating & Air Conditioning; and Welding. A listing of programs, including short term programs, may be found by visiting the NCK Tech website at <https://ncktc.edu/academics/>

Admission to NCK Tech and its full-time academic programs is available to any individual who meets NCK Tech's open admission policy.

Applicants for admission and employment, students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with NCK Tech are hereby notified that this College is committed to nondiscrimination on the basis of race, color, gender, ethnic or national origin, sex, sexual orientation, gender identity, marital status, religion, age, ancestry, disability, military status, or veteran status in admission or access to, or treatment or employment in, its programs and activities. Further, it is the policy of the College to prohibit harassment (including sexual harassment and sexual violence) of students and employees.

Any person having inquiries concerning the College's compliance with the regulations implementing Title VI,

Title VII, Title IX, Section 504, and the Americans with Disabilities Act Amendments Act is directed to:

Dr. Corey Isbell, VP of Student and Instructional Services-(785)[738-9055-cisbell@ncktc.edu](mailto:738-9055-cisbell@ncktc.edu) (Section 504/ADA Compliance Officer and Title VI, Title VII, & Title IX Compliance Officer)

PO Box 507  
3033 US Hwy 24  
Beloit, KS 67420.

Title VI, Title IX, and Section 504 complaints may also be filed with the Regional Office for Civil Rights. Address correspondence to:

US Department of Education, Region VII  
Office for Civil Rights  
10220 N Executive Hills Blvd  
Kansas City, MO 64153

Where discrimination is found to have occurred, NCK Tech will act to stop the discrimination, to prevent its recurrence, to remedy its effects, and to hold accountable the responsible individual(s). Additional details regarding the investigation process can be found in the Faculty/Staff Handbook and the Student Handbook as approved by the NCK Tech Board of Trustees.



For further information on notice of non-discrimination, contact the U.S. Department of Education, Office for Civil Rights at 1-800-421-3481 or visit <https://www2.ed.gov/about/offices/list/ocr/index.html>.

## **6:2 Student Accessibility Services**

NCK Tech is dedicated to providing equal access and opportunity to all campus programs and services for students with disabilities. We are committed to providing reasonable accommodations in accordance with applicable state and federal laws, including, but not limited to, Section 504 and 508 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. We strive to create a safe, respectful, and inclusive environment and promote awareness, knowledge, and self-advocacy.

NCK Tech acknowledges that traditional methods, programs, and services are not always appropriate or sufficient to accommodate the limitations experienced by some qualified persons with disabilities. When a student's disability prevents him/her from fulfilling a course requirement through conventional procedures, consideration will be given to alternatives, keeping in mind that academic standards must be maintained.

Services are provided through Student Accessibility Services (SAS) staff located in the Student Success Center, on the Beloit Campus, and in Student Services, at the Hays Campus.

- Director of Learning Services may be reached at (785)-738-9020; or by mail at:  
NCK Technical College  
3033 US Hwy 24  
Beloit, KS 67420

### **Student Responsibilities**

Students requesting support services will need to register ("self-disclose" and complete Student Accessibility Services Intake and Consent Form), provide appropriate documentation (if available) including how the disability affects academic performance and suggested accommodations, and communicate with the Director of Learning Services as part of the interactive process to create an Educational Accommodation Plan that will notify Instructors of approved accommodations, services and/or auxiliary aids.

Students are encouraged to make timely and appropriate disclosures and requests, at least two (2) weeks in advance of a course, program, or activity for which an accommodation is requested (or as soon as realistically possible) to allow adequate time for accommodation services to be set in place.

### **Accommodations, Academic Support Services, or Auxiliary Aids**

Reasonable accommodations, including academic support services and auxiliary aids, are provided to allow students with disabilities an equal opportunity to participate in and benefit from our educational programs. Accommodations will be provided on a case-by-case basis determined by student request, documentation, intake interview, Educational Accommodation Plan team, and assessment of individual needs and course requirements.

#### **Reasonable testing accommodations may include, but are not limited to:**

- Extended testing time

- Reduced distraction testing environment
- Test reader and/or scribe
- Use of calculator

**Academic support services/auxiliary aids may include, but are not limited to:**

- Note-taking assistance (second set of notes, PowerPoint slides, or other visual aids provided)
- Sign Language Interpreter
- Preferential seating in the classroom
- Large print exams, handouts, signs, etc.
- Telecommunications devices
- Use of Assistive Technology

Accommodations may not fundamentally alter the nature of the program or activity, lower academic standards, present undue financial or administrative burden on the College, or pose a threat to others or public safety.

Additionally, some accommodations and services cannot be provided, such as personal devices or assistance with personal services.

Auxiliary aids may be available through a variety of sources available to individual students. The student may make a request in obtaining specialized support services from other resources such as Vocational Rehabilitation Services (VR), Recordings for the Blind, Kansas Talking Book Service, etc. For example, Vocational Rehabilitation may fund such items as transportation to the institution, tuition, textbooks, hearing aids, and other individually prescribed medical devices.

If at any time throughout the academic year, a student feels that the agreed-upon accommodations are not being followed or that alternate accommodations need to be provided, the student should notify Student Accessibility Services (SAS) staff. NCK Tech is committed to student success; however, we do not require students to use accommodations. The decision of when to utilize approved accommodations or services is up to the student. Integration, self-advocacy, and individual responsibility are promoted and expected.

### **6:3 Racial and Disability Harassment**

The College is committed to providing a positive and productive learning and working environment, free from discrimination, including harassment, on the basis of race, color, national origin, or disability. Discrimination or harassment on the basis of race, color, or national origin (“racial harassment”) or on the basis of disability (“disability harassment”) shall not be tolerated. Racial or disability harassment of employees or students of the College by board members, administrators, faculty, support personnel, students, vendors, and any others having business or other contact with the College is strictly prohibited.

Racial harassment is unlawful discrimination on the basis of race, color, or national origin under Titles VI and VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination.

Disability harassment is unlawful discrimination on the basis of disability under Section 504 of the

Rehabilitation Act of 1973 and the Americans with Disabilities Act. All forms of racial or disability harassment are prohibited at the College, on college property, and at all college-sponsored activities, programs or events. Racial or disability harassment against individuals associated with the College is prohibited, whether or not the harassment occurs on college grounds.

It shall be a violation of this policy for any student, employee, or third party (visitor, vendor, etc.) to harass so any student, employee, or other individual associated with the College. It shall further be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy.

Violations of this policy by any employee shall result in disciplinary action, up to and including termination. Violations of this policy by a student shall result in disciplinary action under the student code of conduct.

Prohibited conduct under this policy includes racially or disability-motivated conduct which:

1. Affords a student or employee different treatment, solely on the basis of race, color, national origin, or disability, in a manner which interferes with or limits the ability of the student or employee to participate in or benefit from the services, activities or programs of the College;
2. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile academic environment or hostile work environment; or
3. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with:
  1. A student's academic performance or ability to participate in or benefit from the services, activities or programs of the College or
  2. The employee's work performance or employment opportunities.

Racial or disability harassment may result from verbal or physical conduct or written graphic material.

The College encourages all victims of racial or disability harassment and persons with knowledge of such harassment to report the harassment immediately to the Title IX Coordinator. The College will promptly investigate all complaints of racial or disability harassment and take prompt corrective action to end the harassment.

Any student who believes he or she has been subjected to racial or disability harassment or has witnessed an act of alleged racial or disability harassment should report the alleged harassment to the Title IX Coordinator. Any college employee who receives a complaint of racial or disability harassment from a student shall inform the student of the employee's obligation to report the complaint and any proposed resolution of the complaint to the Title IX Coordinator. If the Title IX Coordinator is the alleged harasser, the complaint shall be reported to the College President. The

Title IX Coordinator, or College President when necessary, shall discuss the complaint with the student to determine if it can be resolved. If the matter is not resolved to the satisfaction of the student in this meeting, the student may initiate a formal complaint under the College's discrimination complaint procedure.

Employees who believe they have been subjected to racial or disability harassment should report the

problem to the Title VII Coordinator. If the Title VII Coordinator is the alleged harasser, the employee should discuss the problem with the department chair or the College President.

Employees who do not believe the matter is appropriately resolved through this meeting may file a formal complaint under the College's discrimination complaint procedure.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes racial or disability harassment under the definition outlined above. Unacceptable conduct may or may not constitute racial or disability harassment, depending on the nature of the conduct and its severity, pervasiveness, and persistence. Behaviors that are unacceptable but do not constitute harassment may provide grounds for employee disciplinary action or discipline under the code of student conduct. The discipline of a student for violation of any provision of the code of student conduct may be enhanced if the conduct is racially or disability motivated.

If discrimination or harassment has occurred, the College will take prompt, remedial action to prevent its reoccurrence.

An employee who witnesses an act of racial or disability harassment shall report the incident to the Title IX Coordinator, or the College President if the Title IX Coordinator is the alleged harasser.

Employees who fail to report complaints or incidents of racial or disability harassment to appropriate college officials may face disciplinary action. College administrators who fail to investigate and take appropriate corrective action in response to complaints of racial or disability harassment may also face disciplinary action.

When a complaint contains evidence of criminal activity, the College President shall report such conduct to law enforcement.

To the extent possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the College's obligation to conduct a thorough investigation, to take appropriate corrective action, or to provide due process to the accused.

The filing of a complaint or otherwise reporting racial or disability harassment shall not reflect upon the student's status or grades. Likewise, initiation of a complaint of racial or disability harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of a racial or disability harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.

False or malicious complaints of racial or disability harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and related materials shall be posted in each college building. The policy shall also be published in student and employee handbooks as directed by the College President.

## 6:4 Sexual Harassment

The NCK Tech (the College) Board of Trustees is committed to providing a positive and productive working and learning environment free from discrimination on the basis of sex, including sexual harassment. The College does not discriminate on the basis of sex in admissions, employment, or the educational programs or activities it operates and is prohibited by Title IX from engaging in such discrimination. Discrimination on the basis of sex, including sexual harassment, will not be tolerated at the College. Discrimination on the basis of sex of employees or students of the College by board members, administrators, licensed and classified personnel, students, vendors, and any others having business or other contact with the College is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. All forms of sexual harassment are prohibited at the College, on college property, and at all college-sponsored activities, programs, or events within the United States.

It shall be a violation of this policy for any student, employee, or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the College. It shall further be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to refer for investigation, any complaint lodged under the provisions of this policy. Violation of this policy by any employee may result in disciplinary action, up to and including termination.

Sexual harassment shall include conduct on the basis of sex involving one or more of the following:

1. A college employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcomed sexual conduct;
2. Unwelcomed 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 educational program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include but is not limited to: verbal harassment or abuse of a sexual nature; pressure for sexual activity; repeated remarks to a person with sexual or demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning an employee's job status.

The College encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of sexual harassment will be promptly investigated and resolved. Any person may make a verbal or written report of sex discrimination by any means and at any time.

Dr. Corey Isbell, (Vice President of Student and Instructional Services, 3033 Hwy 24, Beloit, KS, 67420, cisbell@ncktc.edu, 785-275-2028) has been designated to coordinate compliance with nondiscrimination requirements contained in Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1967, and the Kansas Act Against Discrimination. Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the Title IX

Coordinator.

Inquiries about the application of Title IX to the College may be referred to the Title IX Coordinator; to the Assistant Secretary for Civil Rights at the U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington D.C. 20202-1100, (800) 421-3481, or at OCR@ed.gov; or both.

### **Response to Harassment Complaints**

The College takes all reports of sexual harassment seriously and will respond purposefully and promptly to every report of discrimination based on sex, including sexual harassment, of which the College has actual knowledge. Employees or students who believe they have been subjected to sexual harassment should discuss the concern with the Title IX Coordinator or any college administrator. All employees receiving reports of alleged sexual harassment shall notify the Title IX Coordinator. If the Title IX Coordinator or a college administrator is the alleged harasser, the employee or student should discuss the problem with the College President.

### **Definitions**

The following definitions apply to the College in responding to complaints of sexual discrimination, including sexual harassment as defined by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination.

The “complainant” means an individual who is alleged to be a victim of conduct that could constitute sexual harassment.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

The “decision-maker” reviews all the evidence and prepares an impartial written responsibility determination as to whether the alleged conduct occurred and provides an opportunity for the parties and their representatives to prepare written questions to be answered by the other party. The decision-maker shall not be the Title IX Coordinator or investigator.

“Domestic violence” includes crimes of violence committed by a person who is a current or former spouse, partner, person with whom the victim shares a child, or who is or has cohabited with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under Kansas or applicable federal law, or by any other person against an adult or youth victim having protection from such person’s acts by Kansas or applicable federal law.

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment.

The “investigator” is the person who carries out the investigation after the formal complaint is filed and conducts interviews of the witnesses, collects and documents evidence, and drafts an investigative report.

A “respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual assault” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

The “Title IX Coordinator” is the individual designated by the College who has the responsibility to coordinate compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. The Title IX Coordinator’s responsibilities include, but are not limited to: developing materials and ensuring professional development occurs for staff involved in Title IX compliance; creating systems to centralize records; gathering relevant data; contacting the complainant (and/or parents or guardians, if applicable) once the College has actual knowledge of alleged sexual harassment; coordinating the implementation of supportive measures; signing a formal complaint to initiate a grievance process, and ensuring any remedies are implemented.

The Title IX Coordinator, any investigator, decision-maker, or any person who facilitates an informal resolution process shall not have a conflict of interest or bias for or against the complainant or respondent. These individuals shall receive training on the definition of sexual harassment, the scope of the education program and activities; how to conduct an investigation, including appeals and informal resolution processes; and how to serve impartially, including by avoiding prejudgment of the facts, conflicts of interest, and bias. Decision-makers shall receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance of questions and evidence in order for them to create investigative reports that fairly summarize relevant evidence.

Any employee who witnesses an act of sexual harassment or receives a complaint of harassment from another employee or a student shall report the complaint to their immediate supervisor or Title IX Coordinator. Employees who fail to report complaints or incidents of sexual harassment to appropriate college officials may face disciplinary action. College officials who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness, and persistence. Behaviors that are unacceptable but do not constitute harassment may also result in employee or student discipline.

If discrimination or harassment has occurred, the College will take prompt, remedial action to stop it and prevent its reoccurrence.

The Title IX Coordinator shall promptly respond in a purposeful way to any reports of sexual discrimination, including sexual harassment of which the College has actual knowledge as follows:

- Contact the complainant within 10 business days and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes as to supportive measures; and
- Inform the complainant of the right to a formal complaint investigation consistent with Title IX and the informal resolution process.

### **Supportive Measures**

The College will treat the complainant and respondent equitably by offering supportive measures. These non-disciplinary and non-punitive measures will be offered as appropriate, as reasonably available, and without cost to the complainant or the respondent. Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. "Supportive Measures" shall include, but not be limited to, measures designed to protect the safety of all parties, to protect the College's educational environment, or to deter sexual harassment. These measures may include counseling, extensions of deadlines or course-related adjustments; modifications of work or class schedule; escort services; mutual restrictions on contact between the parties; changes in work locations, leaves of absence, increased security, and monitoring; and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **The Formal Complaint**

No investigation of alleged sexual harassment may occur until after a formal complaint has been filed.

A formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting an investigation. The procedures for filing a formal complaint are as follows:

1. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College concerning which the formal complaint is filed.
2. A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. Filing of the complaint with the Title IX Coordinator may be done in person, by mail, or by email. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the Title IX Coordinator may initiate the complaint. Forms for filing written complaints are available on each college campus and the College website.
3. A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 calendar days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
4. An investigation shall follow the filing of the complaint. If the complaint is against the College President, the Board shall appoint an investigating officer. In other instances, the investigation shall be conducted by a qualified individual designated by the Title IX Coordinator or another individual appointed by the Board. The investigation shall be thorough. All interested persons, including the complainant and the respondent, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.



### **Formal Complaint Notice Requirements**

Upon filing of a formal complaint, the College shall provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including sufficient details to prepare a response before any initial interview including:
  - a. The identities of the parties involved, if known;
  - b. The conduct allegedly constituting sexual harassment; and
  - c. The date and location of the alleged incident, if known.
2. The College's investigation procedures, including any informal resolution process;
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties they may have an advisor of their choice and may inspect and review any evidence; and
5. Notice to the parties of any provision in the College's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, a notice of the additional allegations shall be provided to known parties.

### **Formal Complaint Investigation Procedures**

To ensure a complete and thorough investigation and to protect the parties, the investigator shall:

- Ensure that the preponderance of the evidence burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not the parties;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
- Allow the parties to be accompanied with an advisor of the party's choice;
- Provide written notice of the date, time, location, participants, and purpose of any interview, meeting, or hearing at which a party is expected to participate;
- Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint, including the investigative report, and the opportunity to respond to that evidence before a determination is made;
- Be impartial and objectively evaluate all relevant evidence without relying on sex stereotypes;
- Not have conflicts of interest or bias for or against complainants or respondent;
- Not make credibility determinations based on the individual's status as complainant, respondent, or witness.

### **Formal Complaint Investigation Report**

The investigator shall prepare an investigative report that fairly summarizes relevant evidence and share the report with the parties and their advisors for review and response within 60 days of the initiation of the formal complaint. If the investigation requires longer than 60 days, both parties will be notified.

Before completing the investigative report, the investigator must send each party and their advisors the investigative report for review and allow the parties 10 days to submit a written response for the investigator's consideration.

The investigator's written report shall include an objective evaluation of all relevant evidence using a preponderance of the evidence standard to determine responsibility.

### **Hearing and Decision-Maker's Determination**

Following the investigation, a live hearing will take place. Hearing procedures are as follows:

1. Both the complainant and the respondent may have an advisor present. The advisor may be an attorney but does not have to be. If either the complainant or respondent does not have access to an advisor, the College will provide one at no cost.
2. The decision-maker of the hearing must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow up questions.
3. Cross-examination must be conducted directly, orally, and in real-time by the party's advisor of choice, never by the party personally.
4. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms, with technology that enables all parties and the decision-maker to simultaneously see and hear the witness answering questions.
5. The decision-maker has the responsibility to determine the relevancy of the questions and explain in real-time any decision not to permit a question.
6. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
7. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
8. After the hearing, the decision-maker must issue a written determination, within 10 days, of responsibility based on a preponderance of evidence. If a written determination cannot take place within 10 days, both parties will be notified. The written determination must include:
  - a. Identification of the allegations at issue
  - b. Description of the procedural steps taken throughout the case

- c. Findings of fact supporting the determination
  - d. Conclusions regarding the application of the Title IX policy
  - e. A statement and rationale as to the determination for each allegation
  - f. A statement of any disciplinary sanctions and whether any remedies will be provided to the complainant
  - g. A description of the procedures and permissible grounds for appeal
9. The College must make an audio or video recording of the hearing, or a transcript, and make it available to the parties for inspection and review.
  10. A copy of the written determination shall be provided to both parties simultaneously.

The range of disciplinary sanctions and remedies may include, but may not be limited to, supportive measures, short term suspension, long term suspension, expulsion for students, and/or termination for employees. The Title IX Coordinator is responsible for the effective implementation of sanctions and remedies. If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended with or without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and/or state law will be followed.

Records relating to complaints filed and their resolution shall be maintained by the Title IX Coordinator for seven (7) years.

The decision becomes final on the date the parties receive the results of an appeal, if any appeal is filed, or on the date, the opportunity for an appeal expires.

### **Appeals**

The complainant or respondent may appeal the decision-maker's determination, within 10 days, regarding responsibility or dismissal of a formal complaint, on the following base:

- Procedural irregularity that affected the outcomes;
- New evidence that was not reasonably available at the time that could affect the outcome; and/or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias against either party that affected the outcome.
- A preponderance of evidence of a conflict of interest or bias must be proven by the appellant.

The request to appeal shall be made in writing to the Title IX Coordinator within 10 days after the date of the written determination. Appeals shall be audio or video recorded, and that documentation shall be kept with the case files for seven (7) years. Appeals shall be heard by an attorney, a hearing officer appointed by the Board, or the Board. The appeal decision-maker may not be the Title IX Coordinator, the Investigator, or the decision-maker from the original determination.

The appeal decision-maker will issue a written decision within 30 days after the appeal is filed. The appeal decision-maker will describe the result of the appeal and the rationale for the result.

The appeal decision-maker shall:

- Review the evidence gathered by the investigator, the investigator's report, and the original decision-maker's determination;
- Notify both parties in writing of the filing of an appeal and give them 10 days after the appeal is filed to submit further evidence in writing;
- Not have a conflict of interest or bias for or against complainant or respondent and receive the required training;
- Issue a written decision and the rationale for the decision within 30 days after the appeal is filed;
- Describe the result of the appeal and the rationale for the result in the decision; and
- Provide the written decision simultaneously to both parties and to the Title IX Coordinator.

### **Informal Resolution Process**

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, information on when it may preclude the parties from resuming a formal complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation of the formal complaint and be informed of any consequences resulting from participating in the informal resolution process;
- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the proposed resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within 20 days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved, or if the individual does not believe the resolution remains acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

If discrimination or harassment has occurred, the College will take prompt, remedial action to prevent its reoccurrence. The College prohibits retaliation or discrimination against any person for opposing discrimination, including harassment, for participating in the complaint process, or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or appeal.

The use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the Office for Civil Rights of the U.S. Department of

Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

Initiation of a complaint of sexual harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted, or participated in any investigation, proceeding, or hearing involving sex discrimination, including sexual harassment, is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including termination of employment.

To the extent possible while still following the above procedures, confidentiality will be maintained throughout the investigation and resolution of a complaint. The desire for confidentiality must be balanced with the College's obligation to conduct a thorough investigation, to provide supportive measures to both parties, to take appropriate corrective action, and to provide due process to the complainant and the respondent.

False or malicious complaints of sexual harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and the complaint procedures including how to report or file a formal complaint of sex discrimination or sexual harassment shall be posted in each college facility, shall be published in employee handbooks, and on the College's website as directed by the Title IX Coordinator. Notification of the policy may include posting information notices, publishing in local newspapers, publishing in newspapers and magazines operated by the College, or distributing memoranda or other written communications to students and employees. In addition, the College is required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees.

## **6:5 Breastfeeding Accommodations**

Recognizing that breast milk promotes optimum growth and development of infants, the College accommodates mothers who choose to continue breastfeeding and avoid the use of infant formula, after returning to work or college.

Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that laws authorize mothers to breastfeed their infants where mothers and children are authorized to be, the College protects mother's right to breastfeed in public.

A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breast milk for her child. Supervisors are encouraged to consider flexible schedules to accommodate employee's needs.

Upon request, the College will provide a private room or space, close to an employee's work area to express milk. If requested by a breastfeeding student, the College will provide a similar private space to express milk. The private space will include a comfortable chair, an electrical outlet for the use of an electric breast pump, and nearby access to running water.

## **6:6 Discrimination and Other Complaints Procedure**

The Board encourages all complaints regarding the College to be resolved at the lowest possible administrative level. Whenever a complaint is made directly to the Board as a whole or a board member as an individual, it will be referred to the administration for study and possible resolution.

Discrimination against any individual on the basis of race, color, national origin, sex, disability, age, or religion in the admission or access to, or treatment or employment in the College's programs and activities, is prohibited. The harassment of an individual on any of these grounds is also prohibited.

The Title IX Coordinator, P.O. Box 507, Beloit, KS 67420 has been designated to comply with nondiscrimination requirements contained in Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

The Section 504 Coordinator, P.O. Box 507, Beloit, KS 67420 has been designated to comply with nondiscrimination requirements contained in Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities Act of 1990.

Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the compliance coordinator.

### **Complaints about Discrimination or Discriminatory Harassment**

Complaints of discrimination or discriminatory harassment by an employee should be addressed to the appropriate college compliance coordinator, as set forth above. Complaints by a student should be addressed to the appropriate compliance coordinator. Any college employee who receives a complaint of discrimination or harassment from a student shall inform the student of the employee's obligation to report the complaint. If the compliance coordinator is the alleged harasser, the complaint shall be reported to the College President. Complaints by any other person alleging discrimination should be addressed to the appropriate compliance coordinator.

Complaints about discrimination, including complaints of harassment, will be resolved through the following complaint procedures.

#### **Complaint Procedures:**

1. A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. If an employee becomes aware of a possible violation of this policy, they are expected to initiate a complaint even if the individual(s) involved do not want to initiate a complaint. Forms for filing written complaints are available in each department office and the compliance coordinator's office.
2. A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
3. If appropriate, an investigation shall follow the filing of the complaint. If the complaint is against the College President, the Board shall appoint an investigating officer. In other instances, the investigation shall be conducted by the appropriate compliance coordinator or another individual appointed by the Board. The investigation shall be informal but thorough. All involved persons, including the complainant and the person against whom the complaint is lodged, will be afforded

an opportunity to submit written or oral evidence relevant to the complaint.

4. A written determination of the complaint's validity and a description of the resolution shall be issued by the investigator, and a copy forwarded to the complainant no later than 30 days after the filing of the complaint.
5. If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy will be followed.
6. If the investigation results in a recommendation that an employee be suspended without pay or terminated, procedures outlined in board policy, the negotiated agreement or state law will be followed.
7. Records relating to complaints filed and their resolution shall be forwarded to and maintained in a confidential manner by the appropriate compliance coordinator.
8. The complainant may appeal the determination of the complaint. Appeals shall be heard by the appropriate compliance coordinator, a hearing officer appointed by the Board, or by the Board itself as determined by the Board. The request to appeal the resolution shall be made within 20 days after the date of the written resolution of the complaint at the lower level. The appeal officer shall review the evidence gathered by the investigator and the investigator's report, and shall afford the complainant and the person against whom the complaint is filed an opportunity to submit further evidence, orally or in writing, within 10 days after the appeal is filed. The appeal officer will issue a written determination of the complaint's validity and a description of its resolution within 30 days after the appeal is filed.

The use of this complaint procedure is not a prerequisite to the pursuit of any other remedies, including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

### **Complaints About Policy**

The College President shall report any unresolved complaint about policies to the Board at the next regularly scheduled board meeting.

### **Complaints About Facilities and Services**

The College President shall report any unresolved complaint about facilities and services to the Board at the next regularly scheduled board meeting.

### **Complaints About Personnel**

The College President shall report any unresolved complaint about personnel to the Board at the next regularly scheduled board meeting.

## **6:7 Drug-Free Schools/Workplace**

The NCK Tech Board of Trustees, administration, and staff believe that maintaining a drug-free educational environment is critical to the success of every student. NCK Tech fully complies with all provisions of the Drug-Free Schools and Campuses regulations, 34 C.F.R. Part 86.

It is the policy of NCK Tech that the possession, use, distribution and/or sale of alcoholic beverages, illegal drugs, drug paraphernalia, and/or other controlled substances (except as medically prescribed) by students and employees is prohibited on the College campus, within the College buildings, while operating college-owned vehicles or equipment, at any training station or any

college-sponsored event. Violation will result in immediate disciplinary action, up to and including dismissal from college for students and up to and including termination for employees.

Appropriate legal action will be taken by NCK Tech. Students or employees acting in an accessory role are also subject to disciplinary and legal action.

### **Employee Standard of Conduct**

Employees of NCK Tech shall not unlawfully manufacture, distribute, dispense, possess, or be under the influence of illicit drugs or alcohol on the College campus, within the College buildings, while operating college-owned vehicles or equipment at any training station or at any college-sponsored event.

As a condition of employment at NCK Tech employees shall abide by the terms of this policy. Employees who violate the terms of this policy may be reported to the appropriate law enforcement officials and could be subject to any of the following disciplinary sanctions:

1. Short term suspension with pay.
2. Short term suspension without pay.
3. Long term suspension without pay.
4. Required participation in a drug and alcohol education, treatment, counseling, or rehabilitation program.
5. Termination of employment.

If an employee is required to participate in a drug and alcohol education, treatment, counseling, or rehabilitation program, the cost of such program shall be the responsibility of the employee.

Employees of NCK Tech convicted of criminally violating the drug statutes of the State of Kansas or of the United States of America shall notify the President of NCK Tech concerning the conviction within five (5) days of the conviction. NCK Tech will notify the Department of Education within 10 days, and the Board of Trustees will initiate appropriate action within (30) days of receiving notification of an employee's conviction. Prior to applying sanctions under this policy, employees will be afforded all rights of due process to which they are entitled under their contracts or in the provisions of the laws of the State of Kansas. Nothing in this policy is intended to diminish the rights of NCK Tech to take any other disciplinary action provided for in the NCK Tech Board of Trustees policy handbook or the negotiated agreement.

### **Student Standard of Conduct**

Students who violate the terms of the NCK Tech Drug and Alcohol Policy violate the NCK Tech Student Code of Conduct and could be subject to the following sanctions:

1. Suspension from classes and activities
2. Expelled from college
3. Mandatory attendance at counseling sessions and/or educational seminars
4. Community Restitution/Service
5. Parental Notification as provided by federal law
6. Probation, \$75 Fine, 10 Hours Community Service (for dorm students only)

Appropriate legal action will be taken by NCK Tech. Students acting in an accessory role are also



subject to disciplinary and legal action.

As indicated above, a student may be required to meet with a counselor and/or complete a drug or alcohol education or treatment program as a condition of continued enrollment. The cost of completing such a program will be the responsibility of the student. Students subject to these penalties will be afforded all rights of due process to which each student is entitled to by law or under current policies affecting student discipline.

### **Reasonable Suspicion**

If reasonable suspicion of substance abuse exists regarding an employee or student based on objective criteria (including, but not limited to, behavior, appearance, demeanor, detection of the odor of alcohol or any controlled substance), the employee or student will be requested to consent to drug testing performed by NCK Tech's contract vendor at the expense of the College.

1. A college administrator (or their designee) shall drive the employee or student to the vendor's site for drug testing and shall return the employee or student to his/her residence (or arrange for transportation) following the testing.
2. Test results shall be sent directly to the College administrator, with a copy also sent to the employee or student. All test results will be considered confidential; access to the results will be limited to institutional personnel who have a legitimate need-to-know.
3. In the event of a positive test result, the employee or student may request a retest of the sample at the employee or student's expense. The request must be submitted within 24 hours.
4. Positive results for any illegal drugs, or prescription drugs (either not prescribed for the employee or student, or at levels above the prescribed dosage), or blood alcohol level of 0.04 or greater shall be grounds for disciplinary action, up to and including termination or expulsion.
5. Refusal to provide a specimen for this testing shall be treated as a positive drug test result.
6. Test results or specimens that have been determined to be altered by the employee or student shall be grounds for disciplinary action, up to and including termination or expulsion.
7. If the employee or student tests positive for an authorized prescription drug which may impair his/her performance or judgment, the employee or student may not be permitted to participate in college activities until he/she provides a doctor's release.

### **Information provided to all students and employees to comply with the Federal Drug-Free School and Campuses Regulations**

The following information will be distributed annually to all employees (including part-time and adjunct faculty) and all students (including part-time students and those enrolled in off-campus programs of the College but not including continuing education students).

The administration will review this program biennially. The purpose of the review will be to determine the effectiveness of the program, to recommend changes in the program, and to ensure that disciplinary actions are appropriate.

## **Consequences of the use, misuse, and abuse of drugs and alcohol**

### **Health Consequences:**

Students and employees of NCK Tech should be aware that the following health risks have been associated with the use, misuse, and abuse of drugs and alcohol:

1. Alcohol: Birth defects, ulcers and gastritis, liver damage, heart disease, cancer, and brain damage.
2. Anabolic Steroids: Acne, cancer, heart disease, liver disease, sterility, jaundice, and kidney stones.
3. Cocaine/Stimulants: Increased blood pressure, blurred vision, sleeplessness, anxiety, irregular heartbeat, and death.
4. Hallucinogens: Increased body temperature, increased heart rate, blood pressure, sleeplessness, and tremors.
5. Marijuana: Irritation of the lungs, emphysema, increased heart rate, reduced short term memory, and cancer.
6. Opiates/Narcotics: Decreased heart rate, nausea, cold, moist skin, bluish in color, and slowed breathing.
7. Sedatives: Slowed body function, drowsiness, convulsions, and coma.
8. Prescription and Over-the-Counter Medications: Risks associated with the non-medical use, abuse or misuse of prescription and over-the-counter medications are dependent upon the particular medication and may include any of the risks described above. Students and employees should note that the above listing is not intended as all-inclusive.

### **Legal Consequences:**

Local, state, and federal laws provide for a variety of legal sanctions and penalties for the possession, distribution, misuse, and abuse of controlled substances, pharmaceutical products, prescription, and over-the-counter medications and alcohol. The Federal Controlled Substances Act provides penalties of up to 15 years' imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fine otherwise authorized by law. Kansas law provides that any person who violates the criminal statutes on controlled substances by possessing, offering for sale, distributing, or manufacturing opiates and narcotics, such as cocaine and heroin, shall be guilty of a Class C felony. For a conviction of a Class C felony, the court may sentence a person to a term of imprisonment of a minimum of three (3) to five (5) years, a maximum of 10 to 20 years, and a fine of up to \$15,000. Unlawful possession of a depressant, stimulant or hallucinogenic drug is punishable as a Class A misdemeanor, with a penalty of up to a year in jail and a fine of \$2,500. Under Kansas law, persons under 21 years of age may be subject to minimum fines of \$200 for possessing, consuming, obtaining, purchasing, or attempting to obtain or purchase alcoholic liquor or cereal malt beverages. Persons convicted of driving under the influence of alcohol or drugs are subject to severe fines, imprisonment, and other penalties. For the most recent & complete Federal Trafficking Penalties visit

[www.dea.gov/agency/penalties.htm](http://www.dea.gov/agency/penalties.htm)

### **Treatment Facilities**

Drug and alcohol counseling and treatment programs are available to students and employees on a national, state, and local basis. The Federal Substance Abuse and Mental Health Services Administration (SAMHSA) website maintains a substance abuse treatment locator on the internet at <http://dasis3.samhsa.gov/>. Assistance for substance abuse is available in Beloit at:

Pawnee Mental Health Services  
207-5 North Mill  
Beloit, Kansas 67420  
Telephone (785) 738-6581

Assistance for substance abuse is available in Hays at:

Smoky Hill Foundation for Chemical Dependency, Inc.  
2209 Canterbury Road  
Hays, Kansas 67601  
Telephone (785) 625-5521

## **6:8 Use of Tobacco Products in College Buildings and Vehicles**

The use of tobacco products in any form and/or electronic cigarettes is prohibited in, or within 10 feet of any building or vehicle, owned, leased, or rented by the College.

## **6:9 NCK Tech Weapons Policy**

### **Introduction**

NCK Tech prohibits the possession and use of firearms, explosives, and other weapons on NCK Tech property, with certain limited exceptions, as provided below. This policy is in accordance with the Kansas Board of Regents ("Board") Policy and state law, [K.S.A. 75-7c01, et seq.](#)

### **Definitions**

For purposes of this policy:

1. The term "weapons" includes:
  - a. Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
  - b. Any handgun, pistol, revolver, rifle, shotgun, or other firearm of any nature, including those that are concealed or openly carried;
  - c. Any BB gun, pellet gun, air/CO2 gun, stun gun or blowgun;
  - d. Any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than ¼ ounce;
  - e. Any incendiary or explosive material, liquid, solid, or mixture equipped with a fuse, wick or other detonating device;
  - f. Any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
  - g. Any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the

- handle of the knife, or any knife having a blade that opens, falls, or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
- h. Any straight-blade knife of four (4) inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;
  - i. Any martial arts weapon such as nun chucks or throwing stars;
  - j. Any longbow, crossbow, and arrows or other projectile that could cause serious harm to any person; or
  - k. No student shall possess, handle, use, or threaten to use any object that can reasonably be considered a weapon, explosive, destructive device, or hazardous substance on college-owned or operated property, and any college activity, function or event. This policy includes any item being used as a weapon or destructive device or any facsimile of a weapon.
  - l. Any explosive or destructive device, including but not limited to dynamite, nitroglycerin, or any other combustible, blasting caps, fireworks, firebombs, grenades, plastic charges, or devices intended for detonation purposes, and/or any other similar devices or compounds used for detonation or blasting.
  - m. Any other dangerous or deadly weapon or instrument of like character.
2. The term “handgun” means:
    - a. A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or
    - b. Any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.
  3. The term “firearm” includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive.
  4. The term “adequate security measures” shall have the same meaning as the term is defined in [K.S.A. 75-7c20](#), and “building” shall have the same meaning as the term “state-building” is defined in [K.S.A. 75-7c20](#).
  5. The term “campus” means any building or grounds owned by the College or the Board and any building or grounds leased by the College or the Board for college use.

## **Policy**

### **1. General Rules on Open Carry and Concealed Carry on Campus**

Open carry of firearms and possession of weapons other than concealed handguns shall be prohibited on campus, while concealed carry of handguns is permitted on campus, subject to the rules stated in this policy. All weapons are prohibited at all off-campus college-sponsored or supervised activities, except that, as required by law, the College does not prohibit employees, who are legally qualified, from carrying a concealed handgun while engaged in the duties of their employment outside of NCK Tech’s place of business, including while in a means of conveyance.

Nothing in this policy shall be read to prohibit possession of weapons on campus as necessary for the conduct of board-approved academic programs or college-approved activities without the advance written approval of the President or his/her designee.

Except in those instances where necessary for self-defense or transferring to safe storage and except as otherwise provided in the preceding paragraph, it shall be a violation of board and college policy to openly display any lawfully possessed concealed carry handgun while on campus.

There are no college locations that have been designated as prohibiting concealed carry with permanent adequate security measures. The College may, from time to time, designate a specific location as temporarily prohibiting concealed carry and use temporary adequate security measures as defined and required by law. Appropriate notice will be given whenever this temporary designation is made.

In addition, areas of buildings that have no public access entrances and are limited to restricted access entrances only may be off-limits to concealed carry, as determined by the College. "Restricted access entrance" means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel. "Authorized personnel" means employees of a state agency or municipality and any person granted authorization pursuant to [K.S.A. 75-7c20 \(d\)\(2.\)](#) The College may temporarily designate specific locations as prohibiting concealed handguns and use temporarily.

## **2. Prohibitions Based on State Law**

Beginning July 1, 2017, any individual who is 18 years of age or older and who is lawfully eligible to carry a concealed handgun in Kansas shall not be precluded from doing so on campus except in buildings and areas of buildings for which adequate security measures are provided, and except as otherwise prohibited by law.

Regardless whether the individual is otherwise lawfully eligible to carry a concealed handgun, the following restrictions apply to the carrying of a firearm by Kansas law, and the violation of any of the following restrictions is a crime under Kansas law and a violation of this policy:

- An individual in possession of a concealed firearm must be at least 18 years of age [\[K.S.A. 21-6302\(a\)\(4\)\]](#);
- A firearm cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual unable to safely operate the firearm [\[K.S.A. 21-6332\]](#);
- A firearm cannot be carried by an individual who is both addicted to and an unlawful user of a controlled substance [\[K.S.A. 21-6301\(a\)\(10\)\]](#);
- A firearm cannot be carried by an individual who is or has been a mentally ill person subject to involuntary commitment [\[K.S.A. 21-6301\(a\)\(13\)\]](#);
- A firearm cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment [\[K.S.A. 21-6301\(a\)\(13\)\]](#);
- A firearm cannot be carried by an individual who has been convicted of a felony crime [\[K.S.A. 21-6304\]](#);
- An automatic firearm cannot be carried [\[K.S.A. 21-6301\(a\)\(5\)\]](#);
- A cartridge which can be fired by a handgun and which has a plastic-coated bullet with a core of less than 60% lead by weight is illegal [\[K.S.A. 21-630\(a\)\(6\)\]](#);
- Suppressors and silencers cannot be used with a firearm [\[K.S.A. 21-6301\(a\)\(4\)\]](#); and,

- Firearms cannot be fired in the corporate limits of a city or at a dwelling, or at a structure or vehicle in which people are present, except in self-defense [[K.S.A. 21-6308,6308a](#)].

It shall also be a violation of this policy to possess otherwise, store, transport, trade, sell, or in any other way use a firearm in violation of any applicable law.

### **3. Carrying and Storing Handguns**

Each individual who lawfully possesses a handgun on campus shall be wholly and solely responsible for carrying, storing, and using that handgun in a safe manner and in accordance with the law and board policy. Nothing in this policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.

Beginning July 1, 2017, each individual who lawfully possesses a concealed handgun on campus shall at all times have that handgun in their custody and control, and shall either:

1. Carry it concealed on or about their person in a manner that complies with this policy, or;
2. Keep it securely stored at their residence or in their privately owned or leased vehicle

Individuals who carry a handgun on campus must carry it concealed on or about their person at all times. With respect to this policy, “concealed” means completely hidden from view and does not reveal the weapon in any way, shape, or form. “About” the person means that an individual may carry a handgun if it can be carried securely in a suitable carrier such as a backpack, purse, handbag, or other personal carrier designed and intended for the carrying of an individual’s personal items. Moreover, the carrier must, at all times, remain within the exclusive and uninterrupted control and within the immediate reach of the individual.

Every handgun carried by an individual, whether on their person or in a carrier, must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures any external hammer in an un-cocked position. The handgun must be secured in the holster with a strap or by other means of retention. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Handguns with an external safety must be carried with the safety in the “on” position. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty chamber.

Handguns shall not be stored:

- In any college classroom, lab, office, or facility;
- In an on-campus residential unit, except in the residential unit of the individual who is at least 18 years of age, who legally owns the handgun, and when the handgun is secured in an approved storage device;
- In any non-privately owned or leased motor vehicle; or,
- In any other location and under any circumstances except as specifically permitted by this policy and by state and federal law.

Handguns may be stored:

- In an individual's privately-owned or leased motor vehicle when the vehicle is locked and the handgun is secured in a location within the vehicle that is not visible from outside the vehicle; or,
- In an individuals' on-campus residential unit when the handgun is secured in a holster and in an approved storage device. Handgun storage by any other means than specifically permitted in this policy is prohibited.

For any on-campus residential unit that does not have adequate security measures, each resident who lawfully possesses a handgun on campus and elects to store the handgun they possess in the room to which they are assigned when not carrying it on their person in a concealed fashion shall secure the handgun in a secure storage device that conceals the gun from view. Such storage devices shall be provided by the individual who possesses the handgun and must meet minimum industry standards for safe-keeping of handguns.

NCK Tech does not provide approved handgun storage devices to any person under any circumstances. Each individual who stores a handgun in an on-campus residence must provide their own approved storage device. An approved storage device has each of these characteristics;

- it is of sufficient size to fully enclose the handgun while secured in an approved holster;
- It is constructed of sturdy materials that are non-flammable;
- It has a combination, digital, or other secure locking device that can only be unlocked by the individual using the storage device, but devices secured exclusively with a key lock are prohibited; and,
- The device is constructed specifically for the storage of a handgun and/or ammunition. All ammunition stored in an on-campus residence must be stored in an approved storage device.

#### **4. Additional Safety Measures**

NCK Tech and its employees, staff, administration, and trustees who do not provide adequate security measures in college buildings and by this Policy allows the carrying of a concealed handgun as authorized by the Personal and Family Protection Act ([K.S.A. 75- 7c01 et seq.](#)) shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns ([K.S.A. 75-7C20 \(f\)](#)).

Nothing in the policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.

No person shall use the fact or possibility that he or she is carrying a concealed weapon with the intent to intimidate another person except in defense of self or others.

#### **Reporting and Temporary Actions**

All reports of suspected violations of the concealed carry policy are made to the College President or his/her designee.

An employee who witnesses the unlawful handling of a handgun shall report the incident to the

President or his/her designee.

Upon receipt of a report, NCK Tech will conduct an initial investigation to determine whether the report describes a criminal matter and/or a policy violation. Any report of weapons on an NCK Tech campus will be investigated.

Employees who fail to report complaints or incidents regarding unlawful handling of a handgun to appropriate college officials may face disciplinary action. College administrators who fail to investigate and take appropriate corrective action in response to complaints of unlawful handling of a handgun may also face disciplinary action.

When a complaint contains evidence of criminal activity, the College President or his/her designee shall report such conduct to law enforcement.

To the extent possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the College's obligation to conduct a thorough investigation, to take appropriate corrective action, or to provide due process to the accused.

The filing of a complaint or otherwise reporting unlawful handling of a handgun shall not reflect upon the student's status or grades. Likewise, initiation of a complaint of unlawful handling of a handgun in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of unlawful handling of a handgun is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.

### **Sanctions**

Any individual violating this Policy or accidentally or irresponsibly discharging a weapon will be subject to appropriate disciplinary action, including but not limited to suspension/expulsion, termination of employment, immediate removal/trespass from the premises and/or arrest. Enforcement of this Policy will be administered by NCK Tech Administration or the appropriate law enforcement agency and shall form a Student Code of Conduct violation. Those residing on campus shall honor these Policy provisions plus any and all conditions of housing written agreement. Likewise, any individual who violates one or more provisions of this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and may be cited accordingly. Any individual who violates state or federal law may be detained, arrested, or otherwise subjected to lawful processes appropriate to the circumstances.

1. **Students:** Students in violation of this policy are subject to suspension or expulsion from the College with loss of all credit for the current semester and no refund of tuition or fees for the semester, as well as prohibition from future enrollment or participation in college or college-sponsored activities. The suspension or expulsion may be appealed under the NCK Tech Complaint and Grievance Policy. The President may recommend the suspension or expulsion be modified on a case by case basis under the provisions of the Board of Trustees Policy 10.18 (Probation). Students violating this policy will be referred to the appropriate law enforcement agency or agencies and if a juvenile to SRS. Those residing on campus shall honor the provisions



of this policy plus all conditions of the housing agreement.

2. **Employees:** Prior to applying sanctions under this policy, employees will be afforded all rights of due process to which they are entitled under their contracts or in the provisions of the laws of the State of Kansas. Nothing in this policy is intended to diminish the rights of NCK Tech to take any other disciplinary action provided for in the NCK Tech Board of Trustees policy handbook or the negotiated agreement.

### **Notice and Training**

Notice of this policy, the board policy, and the concealed carry law are given in this policy and shall also be given by way of reference to this policy in the College Faculty/Staff Handbook and the NCK Tech Student Handbook and the student housing handbook.

Firearm safety instruction is highly recommended to all who choose to handle such firearms.

### **Related Statutes and Regulations**

[K.S.A. 75-7C01, et seq.](#)

### **Questions**

Questions regarding this policy are to be directed to the Dean of Instruction, Corey Isbell at [cisbell@ncktc.edu](mailto:cisbell@ncktc.edu) (785) 738-9055.

## **6:10 Information Systems Use**

The use of Information Systems, personal or college (computers, laptops, networking equipment, network resources, PDA's, servers, smartphones, tablets, telephones, etc.) on either the College's guest or private networks requires the acceptance of the NCK Tech's Information Systems Use Policy. End users (you) are independently and solely responsible for complying with all applicable laws and policies in all of your actions related to your use of personal or college information systems and network resources, regardless of the purpose of the use.

Certain information systems are prohibited due to their potential to cause harm or damages, such as decreased network performance, introduction of viruses, or complete information system outages for a building or multiple building. End users (you) do not want to be responsible for information systems disruptions or outages, and with the availability of college-wide wireless access and college computers, end users (you) should have no reason to use a prohibited device. Any violation of this policy, a virus, malware or spyware infection of an Information System, outdated or no security (antivirus) software, attaching servers or additional networking equipment, or any copyright infringement; may result in the interruption of services and or loss of network privileges, the cancellation of housing contracts for students, dismissal from the College and or legal action without prior notification.

**NOTICE:** NCK Tech reserves the right to update or change the posted Information Systems Use Policy at any time. All college Information Systems are business devices and should not be used as personal use systems. Please keep all college Information Systems use related to college business or research and not to a personal or home business type of use. This includes but is not limited to the following practices:

1. It is the responsibility of all college Information Systems end users to read, understand, and follow NCK Tech's Information Systems Use Policy.
2. Only authorized college faculty, staff, students, or guests (end users) are allowed to use college Information Systems and network resources.
3. There should be no expectation of privacy as all information, including personal information, placed or sent over the College's network is logged and may be monitored. Internet activity, email messages, and attachments may be monitored without prior notification if NCK Tech deems this necessary. If there is evidence that an end-user is not following NCK Tech's Information Systems Use Policy, the College reserves the right to take disciplinary action, including the loss of network privileges, the cancellation of housing contracts for students, and dismissal from the College and/or legal action.
4. End-users' personal devices (computers, laptops, tablets, PDA's, iPods, smartphones, etc.) may connect to the College's guest wireless network (Campus or Campus Guests) as long as they meet and follow NCK Tech's Information Systems Use Policy. These devices are NOT permitted to connect to any other college network. For more information on the College's guest wireless service, please refer to our **Wi-Fi Warning and Disclaimer** posted on our public web and within each department. \* NCK Tech reserves the right to refuse or deny network services to any personal device if, for any reason, that device has questionable functionality or may be in violation of the Information Systems Use Policy. \*\* The College is not responsible, liable or accountable for any end user's personal devices, technical support or damages that may occur from the end-users connecting to the Internet (malware, spyware, viruses, etc.) via the College's guest wireless network.
5. End users are to refrain from installing any software onto any college Information Systems without prior approval from NCK Tech's IT Department. Non-approved software may be removed from college Information Systems, and loss of use or other rights may occur.
6. End users are not permitted to change, add, remove, or modify any college Information Systems hardware, software, or operating system settings.
7. End users are not permitted to change, add to, remove from, or modify the College's network infrastructures in ANY manner without NCK Tech's IT Department approval. This includes all Information Systems, network switches, access points, routers and servers of any kind (examples include, but are not limited to FTP, SMTP, DHCP, P2P (peer to peer), DNS, Remote Terminal Connections, IIS, NAT devices, distributed transaction servers, LAN\network scanners, wireless analyzers, proxies, packet analyzers, protocol analyzers, denial of service attacks, network discovery or brute force password cracking software, key loggers, locks, viruses or other harmful content) or other related networking hardware or software deemed to be malicious or harmful by NCK Tech's IT Department.
8. End users should understand that offsite, cloud-based data storage, or backup sites such as carbonite, dropbox, IDrive, Mozy, SkyDrive, Google drive, etc., are not supported by the College. The College provides onsite data storage to faculty, staff, and students if requested. \* The College's data storage is NOT intended for use as primary data storage, but rather a secure replica of the end-user's data. NCK Tech is not responsible for any data loss from using these sites. With respect to Google drive, your account may be completely suspended for a violation of this policy.
9. End users are solely responsible for the content, retention, and compliance with all

applicable laws and policies of any electronically generated material created in any format while using a college or personal device or networked service provided by the College.

10. All Information Systems use must be legal, ethical, reflect academic honesty and community standards, and show restraint in the consumption of shared Information Systems resources (computers, network access, and network bandwidth).
11. End users are to refrain from invading another person's privacy, including viewing, copying, modifying, or destroying another person's data without explicit permission from the creator/owner of the data.
12. End users are to refrain from purposefully connecting, removing, damaging, destroying, modifying, or changing any college Information Systems hardware, software, or operating systems settings.
13. End users are to refrain from using Information Systems to harass, defame, or send any harmful, malicious, slanderous, unsolicited or fraudulent chat, email, text, IM, or spamming messages to others.
14. End users are to refrain from posting, displaying, viewing, sending, forwarding, or otherwise distributing libelous, defamatory, offensive, racist or obscene materials over the College's network.
15. End users are to refrain from sending or forwarding messages or attachments belonging to another user without first acquiring permission from the original sender.
16. End users are to refrain from installing, creating, distributing, or using unauthorized copies of licensed software, music or literature, videos, or other copyrighted materials.
17. End users are to refrain from using college information systems and network connections for frivolous activity, non-educational use, personal, or business/monetary gain.
18. Social media is to be used to promote the mission, visions, values, and programs of the institution.
19. Information Systems passwords are required to gain access to various resources on the College computer/telephone network and are considered private. These passwords will be reset once a semester. End users (you) are not to disclose your account information to anyone other than IT Administration for tech support. In certain circumstances, employees may be required to share account information during an absence in order for college work to continue. Any such instances must be approved in advance by the College President or designee. If, for any reason, you believe that your NCK Tech account or password has been compromised, immediately inform the College's IT Department so that preventative
20. Measures may be taken to protect you and your NCK Tech account. End users are required to log off or shut down all Information Systems after use.
21. NCK Tech uses "filtering" to make sure our employees, students, and guests do not view sites that contain or display objectionable material. Filtering can only be accomplished at an "all or nothing" level. We cannot turn on a site only for one person and no one else. Please understand that these filtering protocols apply to everyone - guests, students, and employees - using the guest wireless or any other college networks to access the Internet.
22. NCK Tech and its employees will neither be held responsible nor liable for any

criminal, civil, illegal, or illicit activity conducted by an end-user misusing any personal or college Information System and network resources. End users (you) are independently and solely responsible for complying with all applicable State, Federal, and International laws and policies in all of your actions related to your use of personal or college information systems and network resources, regardless of the purpose of the use.

### **Dorm Internet Access**

For students living in the dorms (Beloit campus only), a secured wireless Internet connection is available for laptops, tablets, and gaming consoles.

**In order for the Internet at the dorms to function properly, the following rules MUST be followed:**

- Each resident is allowed up to **3 devices** (laptop, tablet, gaming console, or smartphone) to connect to the dorms' wireless Internet.
- No personal wireless routers are allowed in the dorms.
- No personal wireless access points, bridges, or repeaters are allowed in the dorms.
- Residents are encouraged not to share their dorm's wireless key with any visitors, as doing so reduces available bandwidth to that dorm.
- Residents are encouraged not to turn on smartphone Hotspots in order to help reduce disruptive and unnecessary wireless signals and traffic.
- **Residents are required to read and adhere to the Dorms Acceptable Use Policy:**  
[http://home.ncktc.edu/documents/Dorms\\_AUP.pdf](http://home.ncktc.edu/documents/Dorms_AUP.pdf)

### **Additional Acceptable Use Policy for Dorms**

All acceptable use rules set forth above continue to apply to use of college information systems in the dorms, in addition to the following:

- All computers connecting to the dorm's network are required to have current and up-to-date security software and patches.
- Internet activity over the dorm's network may be monitored at any time without prior notification. If there is evidence that a resident is not following this acceptable use policy, the College reserves the right to take appropriate disciplinary action, including, but not limited to, loss of network privileges, cancellation of housing contracts, dismissal from the College, and/or appropriate legal action.

**Service provided "AS IS."** The dorms' network provides access to the Internet on an "AS IS" basis with all the risks inherent in such access. The College makes no warranty that the dorms' network or that any information, software, or other material on the dorms' network is free of viruses, worms, Trojan horses, spyware, malware, or other harmful components. By connecting to the dorms' network, residents (end users) acknowledge and accept the risks associated with public access to the Internet and use of the dorms' network.

**Service provided "AS AVAILABLE."** The dorms' network is provided on an "AS AVAILABLE" basis without warranties of any kind, either express or implied, that the dorms' network will be uninterrupted or error-free, including but not limited to vagaries of weather, disruption of service, acts of God, warranties of title, non-infringement, nor implied warranties of merchantability or

fitness for a particular purpose. No advice or information given by the College, affiliates, or employees of the College shall create such a warranty.

**Indemnity.** Under no circumstances shall the College, the provider of the dorms' network, or affiliates, agents, or employees thereof, be liable for any direct, indirect, incidental, special, punitive or consequential damages that result in any way from the residents' use of or inability to use the dorms' network or access to the Internet or any part thereof, or the residents' reliance on or use of information, services or merchandise provided on or through the dorms' network, or that result from mistakes, omissions, interruptions, deletion of files, errors, defects, delays in operation or transmission, or any other failure of performance. Residents agree to indemnify and hold harmless the College, the provider of the dorms' network, including affiliates, agents, and employees thereof, from any claim, liability, loss, damage, cost, or expense (including without limitation reasonable attorney fees) arising out of or related to the residents' use of the dorms' network, any materials downloaded or uploaded through the dorms' network, any actions taken by the residents in connection with the residents' use of the dorms' network, any violation of any third party's rights or any violation of law or regulation, or any breach of this policy.

### **Connection Assistance**

The College's IT department will provide technical support for internal dorm network issues only, such as locked up access points or failed network switches. Any college hardware failures will be addressed and repaired as soon as possible. The College's IT department is **NOT** responsible for and will **NOT** provide technical support for residents' personal devices.

Dorm network support times are Monday through Friday, 8:00 A.M. to 4:00 P.M. Residents should schedule assistance requests during these hours. For after-hour issues, residents should contact the Dorms Supervisor or complete the Dorms Assistance form on the College's Intranet to receive assistance on the next business day.

## **6:11 Digital Communications Policy**

NCK Tech values open communication and transfer of information to serve the College community. The College encourages the use of digital communications, including but not limited to social media, web usage, texting, MyTrail, GroupMe, Remind Me, ect., in the learning environment and to enhance communication. The following policy does not conflict with academic freedom or an individual's right to express themselves lawfully.

The use of all digital communications (social media, texting, MyTrail, educational apps) should adhere to NCK Tech's code of conduct, NCK Tech's Information Use Policy, NCK Tech's Principle of Community, FERPA, and any and all applicable laws concerning trademark, copyright, etc.

NCK Tech reserves the right to remove posts or comments that are obscene, defamatory, offensive, threatening, abusive, span and/or advertising in nature. NCK Tech also reserves the right to remove posts or comments that interfere with individuals' right to privacy, violate NCK Tech's Code of Conduct, violate NCK Tech's Principles of Community and/or violate applicable laws.

The College will reasonably act to prevent any person or group from misrepresenting their affiliation to the College.

## **Social Media**

Content and information posted on NCK Tech's social media channels are equivalent in stature to content and information released to the press and public in any other media format; and therefore, is subject to review, revision and or removal at the request of the President or designee.

All social media accounts used to disseminate information about NCK Tech and NCK Tech's programs are considered an extension of the Director of Marketing; therefore, only authorized web and social media sites may be used for official College communication.

Content and information posted to social media should be accurate and comply with applicable laws and applicable usage standards. The use of social media will adhere to NCK Tech's branding standards.

Usage of social media is governed by Section 230 of the Communications Decency Act, which provides immunity from liability for Internet Service Providers and Web sites for activity taking place on said sites, provided the site or domain takes certain actions when legally required.

## **NCK Tech's MyTrail App**

MyTrail is the official campus app to serve as communication between NCK Tech and the NCK Tech community including, but not limited to, current students, prospective students, alumni, faculty and staff. App usage should abide by all NCK Tech policies and adhere to NCK Tech's Principles of Community.

Posts and comments will be monitored by NCK Faculty and Staff and may be removed if deemed obscene, defamatory, offensive, threatening, abusive, spam and/or advertising in nature. NCK Tech also reserves the right to remove posts or comments that interfere with individuals' rights to privacy, violate NCK Tech's Code of Conduct, violate NCK Tech's Principles of Community and/or violate applicable laws.

## **General Guidelines for Usage of Digital Communication**

1. Faculty and staff will refrain from posting any identifying information or student work subject to FERPA restrictions.
2. The use of video or photos held by NCK Tech should not be "directly related" to a student. Among the factors that may help determine if a photo or video should be considered "directly related" to a student are the following:
  - a. The educational agency or institution uses the photo or video for disciplinary action (or other official purposes) involving the student (including the victim of any such disciplinary incident);
  - b. The photo or video contains a depiction of an activity:
    - i. That resulted in an educational agency or institution's use of the photo or video for disciplinary action (or other official purposes) involving a student (or, if disciplinary action is pending or has not yet been taken, that would reasonably result in use of the photo or video for disciplinary action involving a student);
    - ii. That shows a student in violation of local, state or federal law;
    - iii. That shows a student getting injured, attacked, victimized, ill or having a

health emergency;

3. The person or entity taking the photo or video intends to make a specific student the focus of the photo or video (e.g. ID photos or a recording of a student presentation)
4. The audio or visual content of the photo or video otherwise contains personally identifiable information contained in a student's education records.

The campus community is encouraged to be mindful that social media activities are public and visible to others and may be shared in unpredictable ways. College employees are encouraged to exercise discretion. When engaging the community on NCK Tech's public accounts, please maintain a professional persona in comments and/or posts. Use good judgement. Be thoughtful when interacting on social media and respectful of your audience.

NCK Tech will monitor content on all NCK Tech social media accounts including department specific accounts to ensure adherence and compliance with message and branding.

## **6:12 Copyright-Fair Use**

**Copyright Infringement.** Almost all forms of original expression that are fixed in a tangible medium are subject to copyright protection, even if no formal copyright notice is attached. Written text (including e-mail messages and news posts), recorded sound, digital images, and computer software are some examples of works that can be copyrighted. Unless otherwise specified by contract, the employer generally holds the copyright for work done by an employee in the course of employment.

Copyright holders have many rights, including the right to reproduce, adapt, distribute, display, and perform their work. Reproducing, displaying, or distributing copyrighted material without permission infringes on the copyright holder's rights. However, "fair use" applies in some cases. If a small amount of the work is used in a non-commercial situation and does not economically impact the copyright holder, it may be considered fair use. For example, quoting some passages from a book in a report for a class assignment would be considered fair use. Linking to another web page from your web page is not usually considered infringement. However, copying some of the contents of another web page into yours or use of video clips without permission would likely be an infringement.

**Penalties for Copyright Infringement.** Copyright infringement is the act of exercising without permission or legal authority, one or more of the exclusive rights guaranteed to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees, for details see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five (5) years and fines up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at ([www.copyright.gov](http://www.copyright.gov)). If you reproduce or offer full-length video or audio recordings for download without the authorization of the copyright owner, you are in violation of

federal copyright law and could face civil as well as criminal penalties. Placing statements on your web site, such as “for demo purposes only” or that the video and audio files must be “deleted within 24 hours,” does not prevent or extinguish this liability. There are several entities you may need to contact before you can use recorded music online. First, you should understand that the copyright in a sound recording is distinct from the copyright in the recording’s underlying musical composition. Thus, even if you have secured the necessary licenses for publicly performing musical compositions (from, for example, ASCAP, BMI and/or SESAC) or for making reproductions of musical compositions (from, for example, the Harry Fox Agency), these licenses only apply to the musical composition, not the audio recording. Licenses to utilize particular video and audio recordings must be secured from the video and audio recording copyright owners – generally, the record company that released the recording.

**Software Piracy.** Unauthorized duplication, distribution, or use of someone else’s intellectual property, including computer software, constitutes copyright infringement and is illegal and subject to both civil and criminal penalties. The ease of this behavior on-line causes many computer users to forget the seriousness of the offense. As a result of the substantial amounts of money the software industry loses each year from software piracy, the software companies enforce their rights through courts and by lobbying for and getting stiffer criminal penalties.

**Video and Audio Recording Piracy.** Another form of copyright infringement is the unauthorized duplication and distribution of sound recordings. Online piracy is increasing as many people use the Internet to illegally distribute digital audio files (e.g., MP3 format). The Recording Industry Association of America (RIAA) monitors the Internet daily and scans for sites that contain music. They have been successful in getting the sound recordings removed from those sites. You can report violations to the RIAA directly. Federal copyright law grants the copyright owner in a video and audio recording (typically, a record company) the exclusive right to reproduce, adapt, distribute and, in some cases, digitally transmit their sound recordings. Therefore, the following activities, if unauthorized by the copyright owner, may violate their rights under federal law: a.) Making a copy of all or a portion of a video and audio recording onto a computer hard drive, server, or other hardware used in connection with a web site or other online forum. This includes converting a sound recording into a file format (such as a .wav or mp3 file) and saving it to a hard drive or server; b.) Transmitting a copy or otherwise permitting users to download video and audio recordings from a site or other forum; and/or c.) Digitally transmitting to users, at their request, a particular sound recording chosen by or on behalf of the recipient.

**Steps to combat the unauthorized distribution of copyrighted material.** NCK Tech may limit the amount of bandwidth available to P2P applications, but we do not filter nor monitor such applications since much of the traffic is legal. If presented by a copyright owner, in the proper legal manner, a request to help with their investigation, we are required, by law, to provide all necessary assistance.

**Alternatives to illegal file sharing.** NCK Tech actively encourages our users to use legal sources for their media needs. iTunes and Educause are examples of sites used to attain digital media legally.



## **6:13 Hard Drive Disposal**

All computers, servers, and copier hard drives will be returned to the IT department when they are no longer in use. Once the IT department deems the hard drives non-reusable, they will be taken out of service for disposal. Physical destruction is the acceptable method of disposing of the hard drive storing college data. The College will use hardware and software that meets federal government standards to erase the hard drive.

## **6:14 Lock Out Tag Out**

This establishes NCK Tech policy for protecting anyone who performs service or maintenance on NCK Tech's machines or equipment and who could be injured by an unexpected start-up or release of hazardous energy. Service or maintenance includes erecting, installing, constructing, repairing, adjusting, inspecting, unjamming, setting up, troubleshooting, testing, cleaning, and dismantling machines, equipment, or processes.

This policy will ensure that machinery or equipment is stopped, isolated from all hazardous energy sources, and properly locked or tagged out.

This policy applies to all NCK Tech employees, students, or contractors who may be exposed to hazardous energy during service or maintenance work. Uncontrolled energy includes potential, kinetic, flammable, chemical, electrical, and thermal sources.

## **6:15 Powered Industrial Truck**

The purpose of this policy is to define the requirements for safely operating an industrial forklift on the NCK Tech Campus. All employees, students, and contract personnel shall operate these devices in accordance with this program.

This policy is based on conformance with the Occupational Safety and Health Act of 1970. More specifically, it meets or exceeds OSHA 29 CFR 1910.178 Powered Industrial Trucks and ANSI 92.2.

This policy applies to the operation of all powered industrial trucks: forklifts, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by electric motors or internal combustion engines by college employees, engaged in college projects.

All employees and students who operate a forklift shall be trained in the safe operation of the specific device they will operate. This training will be provided by an authorized and qualified in-house faculty member, or an outside qualified trainer. This training will include, but not limited to:

- Classroom training on the specific forklift,
- A hands-on test to prove competency,
- Instructions on pre-use inspection,
- Record-keeping requirements.

Training must conform to all OSHA requirements.

Refresher training is required every three (3) years, whenever a new or different forklift is purchased, whenever the employee demonstrates a need for retraining, or when new personnel are

hired.

## **6:16 Respiratory Protection Program**

The purpose of this respiratory policy is to establish standard operating procedures to ensure the protection of all NCK Tech employees/students from respiratory hazards through proper selection and use of respirators. This program applies to any employee who, during normal operations, non-routine tasks, or emergency operations, encounters a hazardous substance requiring a respirator. This would include harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors.

## **6:17 Gifts Between Employees and Students**

The giving of gifts between students and staff members is discouraged. Unless approved in advance by the College President, staff members shall not give gifts to any student or class of students.

Students shall also be discouraged from collecting money or purchasing gifts for the faculty.

Student organizations, with prior approval of the organization sponsor and department chair, may donate a portion of the organization's funds to a department or the College for specific purposes enumerated by them. All donations must have final approval of the Board.

Staff members are prohibited from receiving gifts from vendors, salespersons, or other such representatives. Marketing and promotional items are not considered gifts.

If an employee accepts a gift from any person as outlined in this policy, the employee may be subject to disciplinary action. The College President shall be responsible for the administration of this policy.

## **6:18 Communicable Diseases**

Whenever an employee or student has been diagnosed by a physician as having an infectious or contagious (communicable) disease, as defined by K.A.R. 28-1-1 and 28-1-2, the employee or student shall report the diagnosis and nature of the disease to the College President so that a proper reporting may be made to the county or joint board of health as may be required by [K.S.A. 65-118](#).

An employee afflicted with a communicable disease shall be suspended from duty for the duration of the contagiousness in order to give maximum health protection to other college employees and to students. Employees with a communicable disease may be eligible for FMLA leave.

The employee shall be allowed to return to duty upon recovery from the illness, or when the employee is no longer contagious as authorized by the employee's physician.

A student afflicted with a communicable disease shall be excused from classes, will be ineligible to participate in any student activities, and will be removed from on-campus housing for the duration of the contagiousness in order to give maximum health protection to other college employees and students.

The student may be eligible to return to classes, student activities, and on-campus housing upon recovery from the illness or when the student is no longer contagious as authorized by the student's physician. In instances where the student may be academically ineligible to complete the program, as deemed by the Vice President of Student and Instructional Services and the Vice President of the

Hays campus, the student may be eligible for Student Emergency Leave.

If a student or college employee has been diagnosed as having a communicable disease and the College President has been notified by the employee or student, the College President shall determine whether a release shall be obtained from the employee's or student's physician before the employee or student returns.

Decisions regarding the type of employment or academic setting for an employee or student with a communicable disease shall be made by the College President based upon consideration of the physical condition of the employee or student and the following factors:

- the nature of the risk;
- the duration of the risk;
- the severity of the risk, and
- the probability that the disease will be transmitted or cause harm to the employee or student and to others who will share the same setting.

No information regarding employees or students with communicable diseases shall be released by college personnel without the employee's or student's consent except to comply with state or federal law.

### **COVID-19 Contact Tracing**

For the purposes of disease investigation and controlling the spread of COVID-19, if a student/faculty/staff member is identified as a close contact to a case, some limited information including the contact's name and phone number may be shared with Public Health Officials for the purposes of follow-up. Contact tracers will destroy any identifying information including the name and phone number once the close contact is no longer in quarantine. Students/faculty/staff members will have the ability to opt out of contact tracing.

## **6:19 Restraining Orders**

Enforcement of court-issued protection orders is critical to ensure the safety of students and employees at NCK Tech.

Any student or employee who has a restraining order, order of protection, no-contact order or any other such order issued by a court against another individual (whether or not that individual is also a student or employee of the College) is highly encouraged to notify the local police department and the Vice President of Student and Instructional Services (Beloit students), the Vice President of the Hays Campus (Hays students) or Board Clerk (employees) of the threat. The student or employee should provide a copy of the restraining order to local law enforcement, as well as the NCK Tech official listed above, so it is kept on file and can be enforced, if necessary.

Upon receiving notice that a student or employee holds a protection order, the designated NCK Tech employee shall immediately schedule a meeting with the protected student to create a plan for enforcement of the protection order on the College's campus. The designated NCK Tech employee shall work with the protected student or employee to create an enforcement plan regardless of whether the restrained individual is another student or employee. In addition, the designated NCK Tech employee shall provide the protected student or employee with information about reporting

violations of the protection order, assist him/her with reporting any violations, and provide him/her with a list of campus and community resources.

If the restrained individual is a student or employee, NCK Tech shall make any necessary changes to the restrained student's enrollment/employment, participation, or environment in order to comply with the protection order and ensure the protected student or employee's safety. In addition, the designated NCK Tech employee shall work with the protected student or employee and the College to make any changes to the protected student or employee's enrollment/employment, participation, or environment to which he/she consents and which are necessary to ensure his/her safety.

Changes to the restrained student or employee's enrollment/employment, participation, or environment that are made pursuant to a valid protection order do not require a written complaint or grievance by the student or employee. The restrained student or employee may file a grievance using the procedures set forth in the NCK Tech Board Policy handbook to challenge any changes made to his/her enrollment/employment, participation, or environment to enforce a protection order.

## **6:20 Surveillance Policy**

Surveillance cameras may be used to monitor all activity in or around any college facility. Surveillance footage, which can be used as a record of student or employee behavior, shall be secured in a secure location until the digital storage mechanism or tape on which the footage is maintained is either reused or erased. Surveillance footage of personally identifiable individuals depicting their involvement in an altercation or other violation of law or college policy shall be considered a student/personnel record and shall be subject to current law for the release of record information.

## **SECTION VII: PERSONNEL (See also Section VI)**

### **7:1 Handbooks**

All personnel handbooks shall be approved by the Board and adopted as a part of these policies.

### **7:2 Employee Involvement in Developing Policies**

When developing personnel policies, the Board shall, to the extent practicable, involve college employees.

### **7:3 Job Descriptions**

The College President shall develop a job description for each category of employee. The job description shall be filed with the Clerk.

### **7:4 Recruitment & Hiring**

The College President shall have the authority to recruit personnel. He/she may request appropriate individuals to assist in this effort.

The Board shall approve all employee contracts. While this legal responsibility cannot be waived, the board delegates to the College President's authority to recruit staff members. In carrying out this responsibility, the College President involves administrators, department heads, deans, directors, faculty, staff, and other appropriate personnel.

All employment contracts recommended by the College President are subject to ratification by the Board. The employment of any staff member is not official until approved by the Board.

#### **Hiring sequence**

A conditional offer of employment is extended to the candidate subject to revocation or, if provisional employment has already begun, termination of employment-based upon unsatisfactory results of any reference and/or background checks performed;

- Acceptance by the candidate is received;
- Contract or other appropriate document sent to the candidate and candidate's acceptance signified by a signed document returned to the College President; and
- Approval of the contract or other documents by the Board.

### **7:5 Nepotism**

The Board will not employ anyone who is the father, mother, brother, sister, spouse, son, daughter, son-in-law, or daughter-in-law of any member of the board, except in areas when there is a shortage of qualified candidates.

When it is deemed necessary by the Board to employ such an individual, the related board member will not participate in any initial employment action or any disciplinary decision concerning the family member.

No employee shall directly supervise or be responsible for any portion of the evaluation of his or her

father, mother, brother, sister, spouse, son, daughter, step-son, step-daughter, son-in-law, or daughter-in-law.

This provision shall not apply to any person who has been regularly employed by the Board prior to the adoption of this policy or to any person who has been regularly employed by the Board prior to the election or appointment of a new board member to whom the person is related.

The College President shall make reasonable efforts to determine whether a candidate for employment in the College is related to a board member. If a candidate is related to a board member, the College President will make this fact known to the Board.

## **7:6 Faculty Credentials**

NCK Tech reserves the right to hire based on documented tested experience. However, attainment of the proper degree or a plan for the attainment of such a degree must be achieved within a reasonable amount of time. An approved plan for degree attainment from a regionally accredited institution must be on file with the Board Clerk, and adequate annual progress must be made towards the proper degree. Failure to make adequate progress may result in the faculty member being placed on probation. Faculty must attain and maintain the proper education level for their position. This means attaining at least an associate's degree or a degree above the degree in which they teach and meeting the requirements for the accrediting body or state board of their program; whichever is higher.

Tested experience can range from, but is not limited to, industry-recognized credentials, significant accomplishments in the field, published articles in professional publications, master certifications, or extensive experience in business and industry (in the field being taught). At a minimum, all faculty members are expected to have attained the industry-recognized credentials taught in the program and the credentials required by the programs accrediting body (if applicable). These credentials must be earned prior to employment unless a probationary period has been approved by the Vice President of Student and Instructional Services.

## **7:7 Employment Eligibility Verification**

The College President shall maintain a file on all college employees, proving that each employee has verified their identity, employment status, U.S. citizenship, or legal alien status. Each employee shall be required to complete the oath of office and the I-9 form and show appropriate documentation as required by the I-9 instructions.

## **7:8 Criminal Background Check**

All new hires shall be required to undergo a criminal background check. All current employees will be subject to a criminal background check at least every three (3) years. The College reserves the right to drug test employees at random or with suspicion.

## **7:9 Personnel Records**

Personnel files required by the College shall be under the custodianship of the College President. Employees have the right to inspect their files upon proper notice under the supervision of an administrator or the records custodian.

The custodian of records should screen all records and files maintained by the College annually, and obsolete material shall be discarded.

### **Requests for References**

Unless otherwise allowed by law, a request by a third party for the release of any personnel record shall require the written consent of the employee, and shall be submitted to the records custodian who shall respond to the request as the law allows.

Upon receipt of a written request, the College may provide information regarding past and present employees to prospective employers in compliance with current law. Information that may be provided will include:

- Employment date(s);
- Job description and duties while in the College's employ;
- Last salary or wage;
- Wage history;
- Whether the employee was voluntarily or involuntarily released from service and the reasons for the separation;
- Written employee evaluations that were conducted prior to the employee's separation from the employer and to which an employee shall be given a copy upon request.

### **Immunity Provided**

Unless otherwise provided by law, an employer who responds in writing to a written request concerning a current or former employee from a prospective employer of that employee shall be absolutely immune from civil liability for disclosure of the information noted above to which an employee may have access.

## **7:10 Good Standing**

All employees are encouraged to remain in "good standing" throughout their time of employment.

Good standing includes, but is not limited to: complying with all explicit obligations and duties of the position; not subject to any form of sanction, suspension, or disciplinary action; having no outstanding financial obligations to the College; not the subject of a criminal investigation; properly notified the Board of intent to resign or retire in a timely manner (consistent with contract terms, but never less than 10 working days); continues working productively throughout the duration of the notice period; actively helps the College succeed after their employment ends (doesn't leave at an extremely inopportune time, details specifics of duties, assists in identifying and training a replacement, etc.); and properly completes and documents the checkout process.

## **7:11 Retirement and Resignation**

All employees are requested to notify the Board in writing of their intent to retire or resign as soon as possible.

Faculty members who give notice by the deadline set in the negotiated agreement may be eligible for a one-time incentive payment.



Non-faculty employees who give notice of their intent to retire or resign 90 days prior to the effective date may be eligible for a one-time incentive payment. If a retiring employee provides notice of their intent to retire at least 120 days prior to the effective date, the College may pay an additional one-time payment. Payment amounts are to be equal to those provided to faculty as established in the negotiated agreement.

All employees must be active, in good standing, and unless mutually agreed to, continue working throughout the duration of the notice period to be eligible for these payments.

### **7:12 Rehire Eligibility**

Employees who leave in good standing with proper notice may be considered for rehire. Unless extenuating circumstances existed, former employees will not be considered for rehire, for a period of at least five (5) years if:

1. They were terminated by NCK Tech for cause;
2. They resigned in lieu of termination
3. They previously abandoned their job at NCK Tech
4. They were a student/employee who was suspended or expelled for misconduct, policy violations or criminal behavior.

Employees who worked at NCK Tech for less than twelve (12) months will be considered 'new hires' if rehired. New hires are expected to undergo normal hiring and onboarding procedures.

Employees who were with the company for longer than twelve (12) months might not have to go through the same procedures as new hires. Their service may be recognized for longevity and sick leave accrual. Qualification for benefit plans will be based on compliance with applicable laws and otherwise remains at the college's discretion.

### **7:13 Assignment and Transfer**

The Board retains the right to assign, reassign and transfer all personnel. If such reassignment or transfer involves a change in campus location, faculty members shall have such rights as are set forth in Article VIII, Section A of the negotiated agreement.

### **7:14 Employee Suspensions**

The College President shall have the authority to suspend a faculty employee as outlined in the negotiated agreement. The College President shall have the authority to suspend a non-faculty employee with or without pay for a period of time which shall expire at the next regular or special board meeting, at which time the Board will determine whether additional discipline shall be imposed.

### **7:15 Probation**

The authority to recommend to the Board that staff members be placed on probation is delegated to the College President. The Board, after hearing his/her recommendation for probation and after evaluating the evidence gathered by the administrative staff, may place a staff member on probation. The Board will establish the term of probation.



Probation for faculty members shall be implemented in accordance with Article V, Section D of the negotiated agreement.

All conditions of probation shall be in writing. One copy shall be given to the employee, and one copy shall be placed in the employee's personnel file. Failure by an employee to remedy the causes of probation may result in nonrenewal or termination of the employment contract.

## **7:16 Grievances**

The purpose of this policy is to provide for the orderly and expeditious adjustment of grievances of individual non-faculty employees of the College at the lowest level. All faculty grievances must follow the procedure set forth in the negotiated agreement.

The term "grievance" shall mean any alleged violation of the terms and conditions of an employee's contract of employment. "Grievant" means an employee of the College having a grievance. Words denoting number shall include both singular and plural.

The adjustment of a grievance shall be accomplished as rapidly as possible. The number of days within which each step is prescribed to be accomplished shall be considered as the maximum, and every effort shall be made to expedite the process. Under unusual circumstances, the time limit prescribed in this statement may be extended or reduced by mutual consent of the grievant and the person or persons by whom the grievance is being considered.

All individuals involved, and all others who might possibly contribute to the acceptable adjustment of a grievance, are authorized and urged to testify with full assurance that no reprisal will follow by reason of such participation.

Upon the final determination of the grievance, the documents, communications, and records relating to the grievance and the final adjustment thereof shall be kept and maintained by the Board Clerk.

At each step of the procedure for adjusting grievances after the initial private conference(s) with the immediate supervisor, the grievant shall be entitled to be accompanied by others who might contribute to the acceptable adjustment of the grievance and/or be represented by legal counsel.

All grievance hearings shall be confidential.

Excluded from the grievance procedure shall be employee evaluations, termination, and other matters for which law mandates another method of review.

Only the employee affected may file a grievance or an appeal from Levels 1 and 2.

The filing of the grievance at all levels beyond the informal conference in Level 1 shall be in writing and shall be reasonably specific as to the nature of the complaint. The grievance should, to the extent possible, describe the alleged event or act giving rise to the grievance including the time, date and place of the event or act, and the names and addresses of any witnesses.

### **LEVEL 1**

A grievant shall first take up the grievance with the immediate supervisor in a private informal conference(s) within 15 working days after the occurrence of the event upon which a grievance is

based or after the grievant becomes aware of such event. If the grievant is dissatisfied with the outcome of the initial private conference(s), the grievant may request a formal conference with the immediate administrative supervisor. Efforts should be made to understand the facts and the issues in order to find a solution. The formal conference shall occur within 10 workdays following receipt of the request.

## **LEVEL 2**

If the grievant is not satisfied with the disposition of the grievance at Level 1 or no decision is reached within 10 workdays after a formal presentation, the grievant may appeal the matter in writing to the College President. The College President shall then confer with the grievant in an effort to arrive at a satisfactory solution within 10 workdays after the appeal has been received. If the grievant does not appeal the grievance to the College President within 30 workdays after the formal conference at Level 1, the appeal of the grievance shall automatically be waived.

## **LEVEL 3**

If the grievance is not adjusted to the satisfaction of the grievant or if no decision is made within 20 workdays after the date the grievance was filed with the College President under Level 2, then the grievant may appeal the grievance to the Board for final adjustment of the grievance. The appeal to the Board shall be in writing to the Board Clerk within 10 workdays after the College President has rendered a decision or after the expiration of 20 calendar days. If the grievant does not appeal the grievance to the Board within 30 workdays after the formal conference at Level 2, the appeal of the grievance shall automatically be waived.

The Board, upon receipt of the grievance, may assign a hearing officer to hear the grievance and make findings and recommendations to the Board. The finding and recommendations shall be made to the Board within 10 workdays after the grievance has been assigned to the hearing officer. The Board shall rule upon the grievance within 30 workdays after receipt of the findings and recommendations of the hearing officer.

Rules for conducting a grievance hearing are as follows:

1. The hearing (when conducted by the Board) or the presentation of the hearing officer's findings and recommendation to the Board (when the hearing is conducted by a hearing officer) will be conducted in executive session;
2. Efforts will be made by all participants to eliminate repetitious testimony and/or materials; however, each participant will be given reasonable time to present testimony and/or materials;
3. The grievant will make opening remarks and present the case;
4. The administration will make its opening remarks and present its findings in the case;
5. Witnesses may be called individually by the grievant and administration to testify before the Board or the hearing officer;
6. The Board or the hearing officer may call additional witnesses and may authorize witnesses being called as a group;
7. The grievant and the administration may ask questions of the witnesses during the time they are testifying;
8. Members of the Board or the hearing officer may ask questions of all participants

- during the hearing;
9. A summary statement may be made to the Board or the hearing officer by the grievant;
  10. A summary statement may be made to the Board or the hearing officer by the administration;
  11. Any new materials injected into any summary statement may be rebutted;
  12. If no hearing officer has been appointed by the Board, the Board will take the matter of the grievance under advisement and render its decision in written form to the grievant within 45 calendar days of the hearing; and,
  13. The decision rendered by the Board shall be the final disposition of the grievance.

## **7:17 Personal Appearance**

NCK Tech strives to exemplify the highest standards of professionalism and maintain a workplace environment that is safe, well-functioning, and free from unnecessary distractions. As part of that effort, the College developed this standard to establish basic guidelines for appropriate work attire which will promote a positive image of the institution and give due consideration to safety and sound business practice; safety will always be the primary consideration. Employees should never display slogans, images, or symbols that are demeaning, feature profanity, obscenity, abuse, or other messages that do not promote a safe, respectful, and productive workplace.

### **Procedures**

NCK Tech expects all employees to be professional in appearance when coming to work, engaged in work-related tasks, or otherwise representing NCK Tech on or off campus.

Administration should communicate any specific workplace attire and grooming guidelines to employees during new-hire orientation and evaluation periods. Any questions about the guidelines for attire should be discussed with the employee's supervising administrator.

### **Appropriate Attire Standards**

1. In all cases, employees are expected to present a neat and clean appearance and are not permitted to wear ripped clothing or athletic wear.
2. Employees working in an office or instructional position not requiring shop work, should wear business casual attire (no blue denim jeans).
3. Those working mostly in a shop, lab, clinical, outdoors or maintenance area shall dress according to the professional standard set in their program.
  - a. For these positions, t-shirts, jeans/scrubs and athletic shoes will be considered acceptable to meet the business casual standard.
  - b. Shorts and hats may be worn for those working outdoors, if merited by weather conditions.
  - c. Personal protective equipment, including footwear, must be worn when appropriate and must follow the regular safety guidelines of the employee's position and duties.
4. Professional shirts with the NCK Tech logo are encouraged, otherwise they should be non-proprietary.

- a. Any t-shirt worn must be an NCK Tech shirt or a non-proprietary t-shirt related to the faculty member's instructional program.

### **Special Event Attire**

1. Nametags
  - a. Employees are encouraged to wear college-issued nametags at all times, but are expected to do so for special events and when representing the College at off-campus activities.
2. Business attire
  - a. Employees may be expected to wear Business Attire on special occasions upon the President's discretion.

### **Exceptions**

The above standards shall be in effect except for Dress Down Days, working during non-business hours, and other special conditions.

1. Dress Down Days (Fridays/Non-Instructional Days, unless otherwise announced) On designated Dress Down Days, NCK Tech or program-related non-proprietary t-shirts, jeans, and athletic shoes will be considered appropriate for all employees.
2. Working During Non-Business Hours
  - a. Employees may dress more casually than normally expected when working during non-business hours.
3. Other Exceptions
  - a. At the discretion of the President, in special circumstances, employees may be permitted to dress in a more casual fashion than is normally required. Exceptions may also be granted on a case-by-case basis for employees under the Americans with Disabilities Act or those with a medical condition which requires certain apparel. Exceptions may also be made for certain cultural/religious-based attire.

### **Violations**

If an employee is found in violation, the supervising administrator is responsible for private counseling with that employee, and they shall work together to reach an agreeable decision as to what the steps to correct the issue will be. Employees with concerns after counseling may follow regular appeals procedures of NCK Tech.

## **7:18 Employee-Student Relations**

Employees shall maintain professional relationships with students, which are conducive to an effective educational environment. Employees shall not submit students to sexual harassment or harassment on the basis of race or disability. Employees are prohibited from dating and/or engaging in sexual relationships with students. Employees are responsible for the regulation of student conduct at college events and college-sponsored activities. The use of student labor to generate a profit for any entity, private business, or individual is expressly prohibited and may result in disciplinary action up to and including termination.

### **7:19 Employee-Community Relations**

Employees are encouraged to participate in community activities and organizations if these activities do not infringe upon employee's duties at the College. Prior permission must be obtained from the College President for participation in any non-college community activity, which takes place during the workday.

### **7:20 Use of Facilities and Equipment by College Employees**

The use of facilities or equipment by faculty and staff for commercial gain is strictly prohibited. Employees may use the facilities and equipment for noncommercial purposes, provided the normal functions of the facility or equipment are not curtailed. In each instance, the use of the facilities and equipment is subject to the College President's written approval.

### **7:21 Conflict of Interest**

College employees are prohibited from engaging in any activity, which may be a conflict of interest and/or detract from the effective performance of their duties. No employee will attempt, during the workday, to sell or endeavor to influence any student or college employee to buy any product, article, service, or other items, which would directly or indirectly benefit the College employee.

### **7:22 Outside Employment**

The Board reserves the right of exclusive access to the professional services of its employees in accordance with the terms of employment.

Employees shall not be permitted to engage in outside employment which impairs the effectiveness of their service to the College. All activities associated with outside employment shall occur outside the employee's duty day.

Outside employment must be reported to, and approved by, the College President or designee. Failure to do so will result in appropriate disciplinary action, up to and including termination.

### **7:23 Employee Meetings**

Employee meetings may be called by the administration as needed. All employees are expected to attend meetings unless approved in advance by administration.

### **7:24 Employee Development Opportunities**

Opportunity shall be provided to all employees to develop their competence beyond the minimum skills necessary for their performance of assigned functions.

Faculty members are required to develop and submit, through normal supervisory channels, plans for the improvement of skills, knowledge, and technical performance capabilities.

All plans for self-improvements that involve the expenditure of college funds shall be approved in advance by the College President.

## **7:25 Professional Development**

All staff members are required to attend professional development sessions provided by the College unless excused by the College President. Workshops, seminars, and similar programs may utilize all or a portion of the workday. On occasion, these programs may be combined with staff meetings. Appropriate personnel will be selected to conduct the sessions.

Faculty are required to attend a minimum of 40 hours of professional development each academic year. Qualifying activities include, but are not limited to, conferences, workshops, industry recognized training, approved courses and in-house training. Credit hours taken will follow the clock to credit hour ratio as outline in board policy. Professional development must be approved by the VP of Student and Instructional Services or their designee.

A faculty member who fails to attain the required 40 hours of professional development may be subject to disciplinary action. If extenuating or unforeseen circumstance exist that prevent a faculty member from attaining the required 40 hours, they may appeal to the VP of Student and Instructional Services or their designee.

## **7:26 Consulting**

Instructional employees may be excused from regular duty by the Board to perform technical or instructional services as consultants. Requests for approval to serve as a consultant shall be submitted in writing to the College President and approved prior to acceptance of the consulting opportunity.

Employees engaged in consulting during the regular academic day shall submit any compensation received over \$500, excluding reimbursement of employee expenses not paid by the College, to the College. Employees seeking to retain full payment for consulting will be required to take vacation, personal leave, or unpaid leave.

## **7:27 Leave for Conferences and Visitations**

The College President shall have the authority to grant leaves of absence for any employee during the academic year for the purpose of attending professional conferences and/or visitations.

Employees desiring to attend conferences and make visitations shall file an application in writing with the College President or designee at least two (2) weeks prior to the first date of the leave being requested. The request shall explain in detail the length of the leave, the purpose, and the opinion of the person requesting the leave as to how it will benefit the College.

## **7:28 Longevity Pay**

All full-time employees in good standing, will have a longevity factor of \$500 added to their base pay after completion of their 5<sup>th</sup> year of employment. Qualifying employees will receive an additional \$500 longevity pay to their base pay in each of their next 5 years of employment. To qualify, faculty must have attained the proper education level for their position. Therefore, for qualifying employees, on the 11<sup>th</sup> year of full-time employment they will receive another \$500 to the base pay for a total of \$1,000 in longevity pay. The same is true for the 16<sup>th</sup> year (\$1,500), the 21<sup>st</sup> year (\$2,000), the 26<sup>th</sup> year (\$2,500) and so on. All current longevity pay will be Grandfathered in at their present rate.

Increases will only occur in the year the longevity increases (years 6, 11, 16, 21, 26, etc.).

### **7:29 Bereavement Leave**

Bereavement leave may be granted with pay for death within the immediate family. A spouse, child, stepchild, parent, grand parent, grandchild, stepparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister or an adult who stood in loco parentis to the employee during childhood are considered immediate family. Bereavement leave may also be granted when the deceased was residing with the employee at the time of death. Other bereavement leave may be granted at the discretion of the College President.

Employees are generally eligible for up to three (3) bereavement days. The length of each bereavement leave shall be determined by the College President, who may grant additional bereavement days if deemed necessary.

Bereavement days are not deducted from leave or salary of any kind. Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation such as overtime.

The college may require verification (such as an obituary or funeral program) for the necessity of bereavement leave.

### **7:30 Disability Leave**

The Board may grant leave of absence for disability with or without pay.

### **7:31 Family Medical Leave**

Family and medical leave, as required by federal law, shall be granted for a period of up to 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses employed by the College may only take an aggregate of 12 weeks of leave for the birth or adoption of a child within a 12-month period.

Leave is available for the following reasons:

1. The birth of a son or daughter of the employee and to care for the newborn child;
2. The placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed child;
3. To allow the employee to care for the employee's spouse, son, daughter, or parent with a serious health condition;
4. A serious health condition of the employee that makes the employee unable to perform the functions of his or her job;
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to achieve active duty) in support of a contingency operation; and
6. The need to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member

Eligible employees are, for reason (6) only, entitled to a combined total of 26 workweeks of leave during a 12-month period.

(Leave for reason 1 or 2 must be taken w/in 12 months of the date of birth/placement of the child.)

This leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, or sick leave that is available for use because of the reason for the leave, the paid leave shall be used first and counted toward the annual family and medical leave. The College President will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave.

The employee is eligible for family and medical leave if he or she has been employed by the College for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave.

During the period of any unpaid family and medical leave, the Board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the Board Clerk on the payroll date or other time as the employee and College President may agree prior to the commencement of the leave. The Board may terminate group health coverage if the employee's portion of the payment is not received within 30 days of the due date, so long as written notice of the delinquency in payment and the notice of intent to terminate coverage are sent at least 15 days prior to the termination.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as is practicable.

Upon the employee providing notice of the need for leave, the employer will notify the employee of the following within five (5) business days, absent extenuating circumstances:

1. Whether or not the employee is eligible for FMLA leave;
2. The reasons that leave will or will not count as family and medical leave,
3. Any requirements for medical certification,
4. Employer requirement of substituting paid leave,
5. Requirements for premium payments for health benefits and employee responsibility for repayment if the employer pays employee share,
6. Right to be restored to the same or equivalent job, and
7. Any employer required fitness-for-duty certifications. Family leave (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the College President.

The College President may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health conditions or a qualifying exigency as described in section 5 above, the College President may require an instructional employee to continue leave until the end of a semester, if:



1. The leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
2. The leave begins in the last three (3) weeks of a semester and lasts more than five (5) days.

### **7:32 Jury Duty**

An employee called to jury duty will be paid their regular wages. Days spent on jury duty are considered as contract days.

### **7:33 Military Leave**

Employees are entitled to military leave under the Uniformed Services Employment and Reemployment Rights Act of 1994. The Act applies to military service that began on or after December 12, 1994, or military service that began before December 12, 1994, if the employee was a reservist or National Guard member who provided notice to the employer before leaving work.

Reemployment rights extend to persons who have been absent from work because of “service in the uniformed services.” The uniformed services consist of the following military branches:

1. Army, Navy, Marine Corps, Air Force, or Coast Guard.
2. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve.
3. Army National Guard or Air National Guard. Commissioned corps of the Public Health Service.
4. Any other category of persons designated by the President in time of war or emergency.

“Service” in the uniformed services means duty on a voluntary or involuntary basis in a uniformed service, including:

1. Active duty.
2. Active duty for training. Initial active duty for training. Inactive duty training.
3. Full-time National Guard duty.
4. Absence from work for an examination to determine a person’s fitness for any of the above types of duty.

The employee may be absent for up to five (5) years for military duty and retain reemployment rights. There are, however, exceptions that can exceed the five (5) year limit. Reemployment protection does not depend on the timing, frequency, duration, or nature of an individual’s service. The law enhances protections for disabled veterans, including a requirement to provide reasonable accommodations and up to two (2) years to return to work if convalescing from injuries received during service or training.

The returning employee is entitled to be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by law. If necessary, the employer must provide training or retraining that enables the employee to refresh or upgrade their skills so they can qualify for reemployment. While the individual is performing military service, he or she is deemed to be on a furlough or leave

of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence. Individuals performing military duty of more than 30 days may elect to continue employer-sponsored health care for up to 18 months at the cost of up to 102 percent of the full premium. For military service of fewer than 31 days, health care coverage is provided as if the individual had never left. All pensions, which are a reward for length of service, are protected.

Individuals must provide advance written or verbal notice to their employers for all military duty. Notice may be provided by the employee or by the branch of the military in which the individual will be serving.

Notice is not required if military necessity prevents the giving of notice; or, if the giving of notice is otherwise impossible or unreasonable.

Accrued vacation or annual leave may be used (but is not required) while performing military duty. The individual's timeframe for returning to work is based upon the time spent on military duty.

**TIME SPENT ON  
MILITARY DUTY**

**RETURN TO WORK or  
APPLICATION FOR REEMPLOYMENT**

Less than 31 days:

Must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus and eight (8) hour rest period.

More than 30, but less than 181 days:

Must submit an application for reemployment within 14 days of release from service.

More than 180 days:

Must submit an application for reemployment within 90 days of release from service.

The individual's separation from service must be under honorable conditions in order for the person to be entitled to reemployment rights. Documentation showing eligibility for reemployment can be required. The employer has the right to request that an individual who is absent for a period of service of 31 days or more provide documentation showing:

- the application for reemployment is timely;
- the five-year service limitation has not been exceeded, and separation from service was under honorable conditions.

If documentation is not readily available or does not exist, the individual must be reemployed. However, if after reemploying the individual, documentation becomes available that shows one or more reemployment requirements were not met, the employer may terminate the individual, effective immediately. The termination does not operate retroactively.

Questions should be directed to Veterans' Employment and Training Service, U.S. Department of Labor.

Kansas law also requires reemployment if an individual is called to active duty by the state.

### **7:34 Sabbatical Leave**

Sabbatical leave may be granted with or without pay at the discretion of the Board. Any employee desiring a sabbatical leave shall file a written application with the College President at least 90 days prior to the first day of the requested leave. The application shall be in writing and explain in detail the length of the desired leave, the purpose of the desired leave, and the applicant's reasons why the leave will be of benefit to the institution. The College President shall present the request to the Board at its next regular or special meeting together with a recommendation.

The employee receiving a sabbatical leave shall be entitled to all of the rights and privileges of employment that would have been received under regularly performed contracted functions during the period of such leave, except salary shall be discretionary with the Board.

### **7:35 Sick Leave**

College administration must be notified in the event of an absence as soon as possible.

#### **Faculty and Non-Vacation Earning Staff**

Each full-time faculty member and non-vacation earning staff shall begin each academic year with ten (10) full days of sick leave credit with full pay, and days not used shall accumulate to the credit of the faculty member up to a total of seventy (70) days. Faculty members and non-vacation earning staff who have accumulated over seventy (70) accumulated sick days may convert the excess over seventy (70) to personal days at the rate of five sick days to one personal day. Unused sick days converted to personal days may accumulate to a maximum of five and are in addition to the three (3) personal days granted annually. Sick leave shall cover absences for the faculty member's own illness or for death or illness in the faculty member's immediate family.

Each full-time faculty member and non-vacation earning staff will begin each academic year with three (3) full days of personal leave. Personal leave not resulting from converting unused sick days must be used each year; it does not accumulate.

#### **Vacation Earning Staff**

Ten days of sick leave are acquired yearly accumulative to 70 days. Sick leave also includes death or sickness in your immediate family.

### **7:36 Exhaustion of Leave**

Employees must take the appropriate leave for absences and exhaust all available paid time off prior to requesting leave without pay. Once all leave is exhausted, employees are expected to be at work during assigned times. Upon exhaustion of all leave, employees must seek approval from their direct supervisor to take leave without pay. Extenuating circumstances must be approved by the employee's supervisor. Failure to seek approval may result in disciplinary action up to and including termination.

## **7:37 Tuition Reimbursement**

### **Educational Plan of Study**

An Educational Plan of Study must be submitted for a course to be considered for tuition reimbursement. Written approval must be obtained from the Dean of Instruction prior to registering for any course if you wish to seek reimbursement. Substitutions to or deviations from the Educational Plan of Study must be resubmitted for approval and could jeopardize your ability to seek reimbursement.

### **Tuition Reimbursement**

All full time and part-time college employees may enroll in an unlimited number of NCK Technical College credit courses tuition-free. The employees must pay all associated fees and the cost of all books, materials, supplies, and equipment.

All full-time employees are eligible for reimbursement for college credit courses at other colleges and universities subject to the following conditions:

1. Only tuition is reimbursed. All fees, textbooks, etc. are the responsibility of the employee.
2. All courses must be part of an approved degree plan.
3. Approval must be obtained prior to registration in each course.
4. The degree and level of degree being sought must advance the employee's ability to perform the duties of their current position within the institution.
5. Reimbursement will not exceed the highest Kansas public university rate for on-campus tuition at the time of application at the bachelor or graduate rate as appropriate. Reimbursement will be made upon receipt of official transcripts indicating completion with a grade of "C" or higher.

Tuition reimbursements will be made only as funds are available.

Instructors/employees accepting tuition reimbursement from the College must remain in employment with the College for the length of the degree they earned while with the College or three (3) years, whichever is less. If an employee resigns before they have fulfilled their time obligation, they must return a prorated percentage of the tuition assistance which they received to the College.

For example, employees earning an Associate's degree would need to remain employed for two (2) years after completing their degrees. Employees earning a Bachelor's degree or above would need to remain employed for three (3) years after completing their degrees. If the employee leaves employment with the College prior to completing the degree, then the employee shall be required to repay 100% of the tuition reimbursement paid by the College. In the case of extreme hardship or extenuating circumstances, the College President may make an exception to the repayment requirement. The employee may appeal the President's decision to the Board within 10 days following receipt of the President's decision.

The proration calculation shall be based on the number of years the employee taught after completing the degree divided by the length of time obligation.

## **7:38 Dependent Tuition Waiver Revised 07/24/23**

Dependents of NCK Tech employees in current, full-time positions, with at least one year of continuous service, are eligible to have the cost of tuition waived. Dependents are defined as the employee's spouse and/or dependent children, as defined by IRS guidelines.

Dependents enrolling in courses for credit will receive credit for the course(s) in which tuition was waived. Dependents may also enroll in non-credit continuing education courses without paying tuition. The student is responsible for paying for the cost of books, supplies, tools, fees, and other related educational expenses for all credit-bearing and non-credit bearing courses.

The following criteria must be met in order for an employee's dependent(s) to enroll in either a credit or non-credit bearing class:

1. Must be approved by the Vice President of Student and Instructional Services or designee before the course begins by completing the NCK Tech Dependent Tuition Waiver Request form.
2. Cannot be the person to make the minimum number of enrollments necessary for the course to be offered.
3. No more than six (6) credit hours per semester or summer session per dependent.
4. A cumulative GPA of 2.0 must be maintained in courses for which the tuition was waived to continue future eligibility for the benefit.
  - a. The tuition waiver can only be applied by the same student to each course once. If a student chooses or is required to repeat a course, they will not be eligible to receive the waiver for that course

## **7:39 Shared Sick Leave Program**

### **I. Purpose**

The Shared Sick Leave Program is a means to transfer sick leave to a qualifying employee experiencing a serious, extreme, or life-threatening illness, injury, impairment or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay or terminate employment either personally or by a family member.

### **II. Provisions**

1. Coverage
  - a. Common or minor illnesses, injuries, impairments, or physical or mental conditions that are not serious, extreme, life-threatening, or cause the employee to take leave without pay or terminate employment are excluded.
  - b. Shared sick leave is not intended to cover employees with unsatisfactory attendance records.
  - c. If the employee receives worker's compensation and/or long-term disability payments, the employee is not eligible to receive shared sick leave.
2. Duration
  - a. Shared sick leave is meant to cover only the duration of the current illness or injury for which it was collected up to a maximum of six (6) months from the date the employee began using shared sick leave if the employee qualifies for KPERS

long-term disability payments. If the employee does not qualify for KPERS long-term disability payments after six (6) months of shared sick leave, and the illness, injury, impairment, or physical or mental condition still exists, the employee can then request more shared sick leave up to an additional six (6) months.

3. Compensation and Benefits
  - a. Shared sick leave will be paid at the receiving employee's rate of pay.
  - b. An employee in shared sick leave status will be treated the same as an active employee. The receiving employee is considered on paid leave and will continue to receive benefits as appropriate.
  - c. An employee will continue to accrue leave at the regular rate while on shared sick leave. Any sick leave accrued each pay period must be deducted before shared sick leave is used.
4. Employees
  - a. All full-time employees are eligible to receive or donate shared sick leave upon meeting all requirements of the program.

### **III. Request Procedures**

1. Employees
  - a. The employee must submit a written request for shared sick leave to the Vice President of Finance and Operations. The written request needs to indicate what information the employee wants shared with NCK Tech's Board of Trustees and employees.
2. Vice President of Finance and Operations
  - a. The Vice President of Finance and Operations reviews the request to determine whether the employee has:
    - i. Exhausted, or will exhaust, all forms of paid leave (sick, vacation, and personal),
    - ii. At least six (6) months of service, and
    - iii. Satisfactory attendance record.
  - b. If the employee meets the above criteria, the Vice President of Finance and Operations obtains the appropriate medical documentation from the employee and/or the employee's physician.
  - c. If the request is for the care of a family member, the Vice President of Finance and Operations will determine whether the relationship meets the following requirements:
    - i. Persons related by blood, marriage, or adoption; and
    - ii. Minors residing in the employee's residence as a result of the court proceedings.
  - d. If the Vice President of Finance and Operations determines that the illness, injury, impairment, or physical or mental condition is:
    - i. Serious, extreme, or life-threatening, the sick leave request is forwarded with a recommendation to the Board.
    - ii. Not serious, extreme, or life-threatening, the shared sick leave request is denied. The denied Shared Sick Leave Request form is filed in the

employee's medical folder. Vice President of Finance and Operations notifies the employee of the denial.

3. Board of Trustees
  - a. Upon receipt of a recommendation of approval, the Board at its regular monthly meeting or a special meeting:
    - i. Approves the use of all of the shared sick leave requested;
    - ii. Approves the use of a portion of the shared sick leave requested; or
    - iii. Denies the use of the shared sick leave requested.
  - b. Denial of the use of shared sick leave by the Board is not a determination that the situation is not a personal emergency. The Board may propose other possible alternatives, such as leave without pay.
  - c. The decision to approve or deny the use of shared sick leave by the Board is final and not subject to appeal.

#### **IV. Donation Procedures**

1. Vice President of Finance and Operations
  - a. Notification to all employees of the need for shared sick leave will be the responsibility of the Vice President of Finance and Operations.
2. Employee
  - a. Donations must be made in writing to the Vice President of Finance and Operations.
  - b. The Vice President of Finance and Operations may designate donations to a requesting employee only after that employee has received final approval for shared sick leave.
  - c. Employees donating sick leave must have a sick leave balance of 240 hours after the donation is made.
  - d. Employees may make multiple donations during a particular approved occurrence as long as leave balance level requirements are met. Each donation must be made on a new form and approved by the Vice President of Finance and Operations.
  - e. Donations may be made to any eligible college employee.
  - f. Donations may be made from accrued sick leave or accrued vacation leave.
  - g. Donations must be made in full hour increments.

#### **V. Unused Sick Leave**

The Vice President of Finance and Operations will be responsible for calculating the prorated amount so that unused sick leave can be credited back to donors, in not less than full hour increments, and in an accurate and timely manner.

## **7:40 Remuneration**

Any employee who does not earn vacation leave and has served at least five (5) years with NCK Tech shall be paid a graduated rate for their unused accumulated sick leave time based on their years of service.

The maximum accumulated number of sick days is 70. Employees who had accumulated unused personal days prior to AY21 may remunerate any remaining unused personal days at five (5) times the daily rate listed below. The maximum number of unused personal days is five (5). The maximum total dollar amount for remuneration is \$1,900.

The graduated rates are as follows:

- 0-4 Years of Service \$0 per day
- 5-9 Years of Service \$5 per day
- 10-14 Years of Service \$10 per day
- 15 or more Years of Service \$20 per day

In order to be eligible for this benefit, employees must provide a 60-day written notice of retirement or resignation. If death should occur during service and if the staff member meets the above criteria, NCK Tech will compensate the staff member's beneficiary as designated under the Kansas Public Employees Retirement System (KPERs).

## **7:41 Unused Vacation**

Non-faculty employees who earn vacation time may qualify to be paid for their unused vacation time if they give proper and timely notification of their intent to resign or retire.

1. Hourly/Non-exempt employees are requested to provide a minimum of ten (10) business days' notice of their intention to separate employment.
2. Non-faculty salaried/exempt employees are requested to provide a minimum of thirty (30) business days' notice of their intention to separate employment.

The employee must also be in good standing to be eligible for these payments.

## **7:42 Salary Deductions**

Salary deductions shall be made if required or authorized by law, permitted by board policy, the negotiated agreement, or voluntarily requested by the employee by written authorization for such items as optional fringe benefits, membership in the Wellness Center, and requested withholdings for meals and/or shop purchases. The College President shall develop forms to supply the necessary information needed to make approved salary deductions. All requests for salary deductions shall be submitted to the College President during enrollment periods established by the Board.

The College shall comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). The Board prohibits all managers from making any improper deductions from the salaries of exempt employees. Employees shall be made aware of this policy.



If an employee believes that an improper deduction has been made to his or her salary, the employee should immediately report this information to his or her direct supervisor or the Vice President of Finance and Operations.

Reports of improper deductions shall be promptly investigated. If it is determined that an improper deduction has occurred, the employee shall be promptly reimbursed for any improper deduction made.

### **7:43 Benefits for Part-Time Employees**

The Board may allow benefits to be offered to part-time positions only if the offer would serve the best interest of the College in attracting or keeping more qualified employees. For purposes of this policy, “part-time” shall be defined as at least one-half of a full-time position (i.e., at least 1040 scheduled hours per contract year or 88 contract days for instructors per contract year).

If benefits are granted, the College will contribute toward the cost of health insurance at the rate of 75% the amount paid for full-time employees. Sick, vacation, and holiday leave shall be compensated as a pro-rated percent of the time granted for full-time employees.

### **7:44 Employee Protection**

Each employee is responsible for maintaining proper control and discipline in the classroom, shop, and on the job. An employee may use reasonable force necessary to ward off an attack, to protect another person, or to quell a disturbance, which threatens physical injury to others. The Board and administration shall support employee efforts to maintain control and discipline in the College.

### **7:45 Bloodborne Pathogen Exposure Control Plan**

The Board shall adopt an exposure control plan. The plan shall be accessible to all employees and shall be reviewed and updated at least annually. All staff shall receive the training and equipment necessary to implement the plan.

### **7:46 Equal Opportunity Employment and Nondiscrimination**

The Board shall hire its employees on the basis of ability and the College’s needs.

The College is an equal opportunity employer and shall not discriminate in its employment practices and policies with respect to hiring, compensation, terms, conditions, or privileges of employment because of an individual’s race, color, national origin, religion, sex, age, disability, marital status, or veteran status.

The College shall maintain a working environment free from discrimination and harassment due to race, color, gender, national origin, religion, sexual orientation, gender identity or expression, age, disability, marital status, or veteran status. Any incident of discrimination or harassment in any form shall promptly be reported to the immediate supervisor or other level of management for investigation and corrective action by the compliance officer.

The College will not allow any form of retaliation against individuals who allege a violation of this policy or who participate in the investigation of an alleged violation of this policy. Any employee of

the College who, after reasonable investigation, has been determined to have retaliated against an employee for making a good faith complaint under this policy is subject to appropriate disciplinary action, up to and including termination. An employee who perceives that he/she or another employee has been the subject of such retaliation or that this policy has otherwise been violated is required to make a complaint to their immediate supervisor or the compliance officer.

Any employee who is determined to have violated this policy shall be subject to appropriate disciplinary action, up to and including termination. Similarly, if a determination is made that the complaint was not made in good faith, with a genuine factual basis, the employee making the unfounded complaint will be subject to appropriate disciplinary action, up to and including termination.

Inquiries regarding compliance may be directed to the Dean of Instruction, NCK Tech, PO Box 507, Beloit, Kansas 67420, phone (785)738-2276, or to the Director of the Office of Civil Rights, Department of Education, Washington, D.C.

### **7:47 Ownership of Intellectual Property Created by Employees**

In order to encourage employee creativity and to protect the rights of both the creative employee and the public, the administration shall establish procedures to clearly assign the rights of ownership of employee products.

Rights of ownership, as used herein, include the right to copyright or patent and the right to sell and/or distribute.

The College has all rights of ownership of products produced by an employee during hours that the employee was paid by the College. The College has all rights of ownership of products produced by an employee in which the use of college supplies and/or equipment played a dominant role.

Ownership of products produced by an employee in a federal program during hours that the employee was paid by federal funds and/or in which the use of federally funded supplies or equipment played a dominant role lies in the public domain.

The employee has all rights of ownership of products produced by the employee other than during those hours paid by the College and in which the use of college supplies and equipment did not play a dominant role.

The College may enter into an agreement in advance with an employee to produce a product. In such cases, the agreement shall assign whatever rights of use and ownership as may be appropriate.

If doubt exists as to whom the rights of ownership belong, the employee and the College President may execute a written agreement. If the employee does not initiate and enter into such an agreement within one year of the completion of the product, the rights of ownership shall pass to the College. The agreement shall provide:

- A specific description of all products covered by the agreement.
- A statement by the employee that the product was not produced during hours paid for by the College and that the use of college supplies and/or equipment did not play a dominant role in the production.

- That the employee is the owner of such product for all time and may alter such product as he/she chooses.
- That the College shall have free use of such product for all time and may alter such product as it chooses.
- That the College will not distribute such product to persons outside the College without the written consent of the employee.
- That the employee may copyright or patent the product as he/she chooses insofar as the College is concerned.

That the employee may distribute and/or sell the product as he/she chooses insofar as the College is concerned.

### **7:48 Faculty Supervision**

The responsibility for the immediate supervision of faculty members rests with each department chair and the appropriate dean or director. The College President also has a right to supervise faculty members.

### **7:49 Department Chairs**

This position is responsible for the development, implementation and evaluation of the program(s) of study offered within the department. They are responsible for managing the department resourced and the promotion of excellence within their program area. Department chairpersons are also responsible for leading and coordinating curriculum development and managing the program direction. The department chairperson is directly responsible to the Dean of Instructional Services.

### **General Responsibilities**

The department chairperson serves as the facilitating link among faculty members and administration. All activities and roles of the department chairperson are undertaken in furthering the best interest of students and NCK Tech.

1. Regular attendance and timeliness
2. Coordination of department activities and advisory committee work
3. Formulation of department budgets, utilization of funds, and purchasing of education supplies
4. Determination of class schedules with the approval of the Dean of Instructional Services
5. Formulation and continual updating of curriculum
6. Assist in placement and recruitment for the department
7. Responsibility for department equipment, maintenance, repair, and security
8. Assist in the keeping of department records and reports such as: annual reports, student absentee reports, student reports, inventory, department staff absences, securing, and reporting of department substitutes
9. Responsible for creating and updating of program review documentation
10. Formulation and submission of student learning assessment plans and reports for the program

11. Implementation and evaluation of the day by day operations of the department
12. Evaluation of internship placements and initialing arrangements for utilization
13. Defining the responsibilities of each staff member in the department
14. Counseling students and making recommendations and/or referrals when indicated
15. Maintaining inventory control
16. Representing the department with the College, employment agencies, and appropriate regulatory agencies.
17. Promoting good public relations.
18. Serving as a role model for staff and students.
19. Demonstrate a daily commitment to NCK Tech's Mission, Vision and Values

### **7:50 Faculty Ethics**

All faculty members in the performance of assigned duties shall:

1. Recognize basic dignities of all individuals with whom he/she interacts in the performance of assigned duties;
2. Exercise due care to protect the mental and physical safety of students, colleagues, and subordinates for whom he/she is responsible;
3. Be accountable for maintaining his/her integrity and shall avoid accepting anything of substantial value offered by another, which is known to be or, which may appear to be for the purpose of influencing his/her judgment or the performance of his/her duties;
4. Accurately represent his/her qualifications;
5. Be responsible for presenting any subject matter in a fair and accurate manner; and,

Extend to students the opportunity for individual action in pursuit of learning and take steps to ensure that the students have access to varying points of view.

### **7:51 Professional Day for Faculty**

The Professional Day for Faculty shall be in accordance to Article II of the Negotiated Agreement.

### **7:52 Additional Duty**

Based upon each instructor's time schedule and the needs of the institution, the College President may assign certain related non-teaching duties.

Faculty who qualify will be given first consideration for overload evening or summer teaching assignments in their program area.

### **7:53 Arrangement for Substitutes**

Whenever an instructor is to be absent, he/she shall notify the Dean of Instruction or the Vice President of the Hays campus. Each faculty member shall make arrangements for securing necessary substitutes.

## **7:54 Faculty Evaluations**

All faculty evaluations shall be conducted in accordance with Article VI of the negotiated agreement. The evaluation policy and instrument adopted by the Board governing the evaluation of the instructional staff are filed in the administrative building with the Board Clerk and may be published in the appropriate handbook. Evaluation documents shall be available to the College President, VP of Student and Instructional Services and the deans, under whose supervision the instructor works, the supervisor who evaluates the instructor, and others authorized by law. Adjunct and concurrent faculty not already on an evaluation cycle shall be evaluated annually.

## **7:55 Program Probation/Termination**

The Board will consider any single instructor program for probation or program termination when its three-year average enrollment, based on the 20th-day count, is below 10 students. A single-instructor program will also be considered for probation or termination if its 20th-day count is less than five (5) students in any single year.

The Board will consider any multi-instructor program for probation, termination, or reduction in force when its three-year average enrollment as measured on the 20th-day count falls below a 10:1 student/teacher ratio. A multi-instructor program will also be considered for probation, termination, or reduction in force if, in any single year, the student/teacher ratio falls below 5:1 based on the 20th-day count.

## **7:56 Reduction in Force**

If the Board decides that the size of the instructional staff must be reduced, the guidelines listed here shall be followed. Insofar as possible, the reduction of staff shall be accomplished by attrition due to resignations and retirements.

The following steps will be utilized by the College administrative staff to reduce the instructional staff: to determine the number of instructional positions to be reduced; the administrative staff will determine the educational program for the College in accordance with the educational goals established by the Board. The number of faculty needed to implement the College's educational program will then be determined by the administrative staff based on those educational goals in determining which faculty members will be non-renewed due to a reduction in force.

The educational goals and needs of the College, individual certifications, qualifications, training, skills, interests, and evaluations shall be considered.

If two (2) or more faculty members have similar certifications, qualifications, and skills in an instructional area, those faculty members who have tenure will be retained over those who are non-tenured. If all of the faculty members have similar certifications, qualifications, and skills and all are tenured, the faculty members who best meet the needs of the College, considering the factors outlined above and any other relevant factors, will be retained.

Any employee who has not been reemployed as a result of reduction of the instructional staff shall be considered for reemployment if a vacancy exists for which the instructor would qualify.

Employees who may be eligible for reemployment are required to notify the College of their current address. The College President will recommend to the Board reinstatement of any instructor he/she deems qualified and able to service the best interests of the institution. The Board shall not be required to consider reinstatement of any instructor after a period of one year from the date of non-renewal.

### **7:57 Nonrenewal and Termination**

Nonrenewal or termination shall be in accordance with [K.S.A. 72-5436, et seq.](#)

### **7:58 Work Schedules for Non-Faculty Employees**

Unless otherwise stated or approved by the college president or designee, the duty day shall be 7:30 a.m. to 4:30 p.m.

### **7:59 Non-Faculty Remote Work Policy**

#### **Definitions:**

**Alternate Work Locations:** approved locations, other than the employee's central workplace where official college business is performed. The most common alternate work location is the home of the employee, subject to the approval described in this policy.

**Central Workplace:** an employer's place of work where employees are normally located. Most commonly the Beloit or Hays campus.

**Remote Working:** a work arrangement where the employee enters into a formal agreement with the college to perform their usual job duties in an alternate work location at least one day per week.

#### **Policy**

Remote Work is a voluntary work alternative that is appropriate for some employees and some jobs but not all employees and all positions. No college employee is entitled to or guaranteed the opportunity to remote work. Certain positions are ineligible for remote work. For positions eligible for remote work, whether a particular employee may remote work is a decision made on a case-by-case basis taking into consideration an evaluation of the likelihood of the employee succeeding in a remote work arrangement and an evaluation of the supervisor's ability to manage remote workers. Remote work arrangements most commonly are for partial remote work, for example remote working one day per week.

Remote working may also be considered on a case-by-case basis as a reasonable accommodation for qualified employees with disabilities.

Employees who are approved for regular or frequent remote work will be required to sign a Remote Work Agreement with the college consistent with this policy. The Remote Work Agreement will include the signatures of the employee, their supervisor, and the college president (or designee).

All remote working employees perform essentially the same work that they would in the central workplace in accordance with their same performance expectations and other agreed-upon terms. Remote work agreements may be established for a long-term or short-term period.

An employee's classification, compensation, and benefits will not be changed solely on the basis of working remotely.

### **Eligible Positions and Employees**

Supervisors will analyze the nature of a position and how the work is performed and determine which positions are appropriate to designate or approve for remote working. Several factors should be considered in determining the feasibility of remote work, including the college's ability to supervise the employee adequately and whether any duties require use of certain equipment or tools that cannot be replicated at home.

Other critical considerations include:

1. Whether there is a need for face-to-face interaction and coordination of work with other employees
2. In-person interaction with outside colleagues, clients, or customers is necessary
3. The position in question requires the employee to have immediate access to documents or other information located only in the workplace
4. The remote work arrangement will impact service quality or college operations, or increase workload for other employees
5. The position can be structured to be performed independently of others with minimal need for support and little face-to-face interaction
6. Performance can be measured by quantitative or qualitative results-oriented standards, not time spent doing the job

If an employee in an eligible position requests approval for remote work, the supervisor will determine whether the employee is eligible. Generally, the following conditions must be met to approve an employee for remote work:

1. The employee has been in the position for at least twelve (12) months
2. The employee has no active formal disciplinary actions on file for the current or immediately preceding review period
3. The employee has a demonstrated ability to work productively on his/her own and is self-motivated and flexible
4. The employee received at least a satisfactory evaluation in the previous evaluation cycle

### **General Expectations and Conditions**

1. **Compliance with Policies** -Employees must agree to comply with college rules, policies, practices and instructions and understand that violation of such may result in the termination of the remote work arrangement and/or disciplinary action, up to and including dismissal. Employees who remote work will be subject to the same policies as other employees, including policies relating to information security and data protection.
2. **Hours of Work**-The total number of hours that remote work employees are expected to work will not change, regardless of work location. The college also expects the same level of productivity from remote work employees that is expected from employees at the central workplace. Remote work employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked in a manner

designated by the college. Hours worked in excess of those specified in the remote work agreement will require the advance approval of the supervisor.

3. Remote work is not intended to serve as a substitute for child or adult care. In order to be eligible to enter into a Remote Work Agreement, if children or adults in need of primary care are in the alternate work location during employees' work hours, another person would need be present to provide the care.
4. Supervisors may require employees to report to a central workplace as needed for work related meetings or other events or may meet with employee in the alternate work location as needed to discuss work progress or other work-related issues.
5. **Use of Leave** -Employees cannot use remote work in place of Family and Medical Leave, personal leave, vacation, Workers' Compensation leave, or other types of leave. Remote work can be used in place of sick leave when approved.

However, the college may determine whether or not it is appropriate to offer remote work as an opportunity for partial or full return to work based on the colleges return-to-work policies following an injury or illness and the criteria normally applied to decisions regarding the approval of remote work.

6. **Liability** - The college assumes no responsibility for injuries occurring in the employee's alternate work location outside the agreed upon work hours or for injuries that occur during working hours but do not arise out of and in the course of employment. The college also assumes no liability for damages to employee's real or personal property resulting from participation in the remote work program.

Employees agree to practice the same safety habits they would use in the college and to maintain safe conditions in their alternate work locations. Employees must follow normal procedures for reporting illness or injury.

5. **Equipment and Materials** -Normally, the college will provide equipment and materials needed by employees to effectively perform their duties; however, the college will not duplicate resources between the central work place and the alternate work location.

Remote work employees may use college-owned equipment only for legitimate college purposes. Remote work employees are responsible for protecting college-owned equipment from theft, damage and unauthorized use. The college will maintain, service and repair college-owned equipment used in the normal course of employment. The college will stipulate who is responsible for transporting and installing equipment, and for returning it to the central workplace for repairs or service.

The remote work agreement may also permit employees to use their own equipment, provided the use of such equipment has been approved by the IT Director or designee. When employees are authorized to use their own equipment, the college is not responsible for the cost, repair or service of the employee's personal equipment, unless otherwise expressly agreed to in advance in the remote work agreement.

6. **Costs of Remote Work** - The college is not obligated to assume responsibility for operating costs, home maintenance, or other costs incurred by employees in the use of their homes as a remote work alternate work location.
7. **College Information** - Employees must safeguard college information used or accessed while remote work, in accordance with the College's Acceptable Use Policy and other applicable information technology policies. July 2021 Board Packet-Page 52 Remote work employees must agree to follow college-approved security procedures in order to ensure confidentiality and security of data.



## **7:60 Non-Faculty Employee Compensation**

Non-faculty employees shall be paid according to pay rates established by the Board. There shall be no overtime unless prior approval is granted.

## **7:61 Non-Faculty Employee Overtime**

All employees of the College are subject to the provisions of the Fair Labor Standards Act, as amended.

It is the policy of the College to minimize the need for work performed in overtime status. Any such overtime must be approved by the College President, prior to the commencement of such overtime work. No work in an overtime status will be performed without the required written approval.

## **7:62 Non-Faculty Employee Evaluation Revised 07/24/23**

All non-faculty employees may be evaluated at least once a year by their immediate supervisor(s). Evaluation documents will be reviewed with the employee and their supervisor. All documents will be signed and placed in the employee's personnel file.

## **7:63 Non-Faculty Employee Vacations**

Vacation leave may be granted non-faculty employees by the Board. Vacation leave for administrative employees is addressed in Section 3. All full-time non-faculty personnel who work a 12-month schedule shall accrue vacation leave at the following rates:

- 1st year: 6.67 hours per month up to a maximum of 10 days
- 2nd year: 7.33 hours per month up to a maximum of 11 days
- 3rd year: 8.0 hours per month up to a maximum of 12 days
- 4th year: 8.67 hours per month up to a maximum of 13 days
- 5th year: 9.33 hours per month up to a maximum of 14 days
- 6th year and beyond: 10 hours per month up to a maximum of 15 days.

The maximum number of days non-faculty personnel can carry over accrued vacation will be the equivalent of three (3) years of their allotted vacation leave. Any vacation leave in excess of the three-year equivalent must be used each fiscal year, July 1 through June 30. Failure to use vacation leave in excess of the three-year maximum will result in a loss of those days. Administrators shall approve employee's requests for vacation leave in advance of time requested, as well as monitor leave balances to assure that vacation time is planned and utilized as intended in this policy.

Accrued vacation time/pay shall be verified and a comprehensive worksheet prepared for the annual audit to disclose the liability of this factor in the financial statements.

The College will pay for accrued vacation leave for employees who leave in good standing by voluntarily resigning or retiring. Employees who are terminated are not considered to be leaving in good standing and will not be paid for accrued vacation leave.

### **7:64 Non-Faculty Employee Holidays**

Paid holiday leave may be granted to non-faculty employees. Paid holidays shall be Independence Day and all holidays designated in the academic calendar. Skeleton crews, as determined by the College President, may be on duty during such holidays.

## **SECTION VIII: NEGOTIATIONS**

### **8:1 Negotiations Goals and Scope**

The Board shall negotiate with its professional employees as provided by law. Professional negotiations are for the purpose of determining the terms and conditions of employment as defined by law. Negotiations shall cover only topics that are mandatorily negotiable under current law.

The Board reserves the right to negotiate any topic the Board deems in the best interest of the College.

### **8:2 Board Negotiations Agents**

The Board shall select as its agents those persons the Board feels will best represent the interests of the College. Each year the Board shall designate its agents for the purpose of negotiating during the current academic year. The College President and the Board President shall make recommendations to the Board in regard to who shall be the chief negotiator for the Board and other members of the negotiation team.

### **8:3 Use of College Facilities and Equipment**

College facilities shall be made available for negotiating sessions without cost to the professional employees' organization. If the representatives of the professional employees wish to negotiate in facilities not furnished by the Board, none of the costs of any other facility or facilities shall be paid by the Board. The Board may make college equipment available for negotiating sessions.

### **8:4 Negotiating Procedures**

The time, place, duration, notification, agenda, and rules of order shall be as agreed by the Board team and the professional employees' team.

Board distribution of information concerning negotiating sessions shall be discretionary with the Board.

Upon request, the Board shall furnish to the association any information, which is public record. Information not currently available in the form requested by the association, at the discretion of the Board, may be supplied if the association reimburses the Board for any additional expenses.

One member of the Board's team shall be designated to keep reasonably detailed minutes and records of all negotiating sessions. Following each session, a person shall transcribe the minutes and notes and distribute the minutes to the Board.

The Board's team, through the College President, shall keep the Board fully advised at all times as the status of negotiations. The Board, also through the College President, shall report to the staff such information as the Board deems advisable.

The Board reserves the right to release information to the media and public regarding negotiations.

All tentative agreements shall be reported to the Board.

## **8:5 Ratification Procedures**

The Board shall not engage in piecemeal ratification of agreements. The Board will not take action on the total “package of agreements” until after the faculty association has acted upon the same package of agreements. If, after the completion of impasse procedures, the Board and professional employees’ association have not reached an agreement, the Board shall take action to conclude the matter as provided by law. All tentative or preliminary agreements shall be placed in one package and presented to the Board for its consideration.

The Board may announce its ratification of the agreement.

## **SECTION IX: ACADEMIC POLICIES**

### **9:1 Institutional Improvement Planning**

Institutional improvement is a strategic, common-sense process for attaining quality educational results. Planning must be a continuous process to implement improvement to achieve projected goals, to encourage the pursuit of the College's mission, to comply with the current Board of Regents guidelines and regulations, and to encourage all staff to understand the College environment.

### **9:2 Evaluation of Instructional Programs**

The evaluation of the curriculum and related services of the College is an on-going process. The College President shall develop guidelines by which the instructional staff will evaluate student academic achievement, instructional programs, or parts thereof on a regular basis.

The College President may establish advisory committees to study each program. The advisory committees shall provide recommendations for proposed changes, modifications, or elimination of any part of the instructional program. The College President will take appropriate action on the recommendations for changes.

Faculty and administration review the effectiveness of individual instructional programs at least every three (3) years. This review process may lead to recommendations for modifications of practice, changes in content and courses, and expansion or discontinuance of the program of instruction.

### **9:3 Research and Academic Assessment**

The College President shall budget monies from the general operating budget for educational research and assessment programs, accelerate the implementation of these programs, and share the information with instructional staff. The College President shall encourage evaluation of technological advances in education, support the use of tools or techniques to enhance instructor effectiveness or productivity, and develop a reasonably detailed budgeting system that includes periodic reviews designed to assist the Board in policy planning and general oversight.

### **9:4 Assessment of Student Learning**

NCK Tech is committed to the continuing process of improving learning opportunities for our diverse community of learners. This is accomplished through a process of ongoing assessment of student learning. All programs shall have a unique set of student learning objectives and program outcomes. The student achievement level of the stated learning objectives and program outcomes is measured through assessment activities throughout the academic year. The results of the assessment activities are used for improving programs and making curricular changes to maximize student learning.

### **9:5 Resource Personnel for Curriculum Development**

The College President shall have the authority to seek out available resources for use by the instructional staff to assist with curriculum development. Resource personnel shall be used in a manner consistent with board policies. The College President is also encouraged to use employers,

community leaders, and students in a manner consistent with these policies.

The College President shall have the responsibility to organize the instructional staff into appropriate committees to plan, study, modify, change, or develop curriculum and or programs.

### **9:6 Approval of Courses**

No course of study shall be eliminated, or new courses added, without the approval of the Dean of Instruction and the academic affairs committee.

### **9:7 Class Size**

Student-instructor ratios will be determined by class enrollment, instructor availability, budget limitations, and facility utilization and shall not be subject to negotiations.

### **9:8 Class Schedules**

Class schedules will be developed each year in accordance with the needs of the students and these policies.

### **9:9 Final Examinations**

Final examinations may be given at the option of the instructor.

### **9:10 Grading System**

The Board encourages the use of a uniform grading system based upon a 4.0 GPA. The work of the student is evaluated as follows:

Excellent	A
Good	B
Average	C
Below Average	D
Failing	F

All students shall be evaluated at the end of each term with reports of the grades going to the registrar's office and the student.

### **9.11 Credit Hour Calculation**

NCK Tech uses the Carnegie Credit Hour model for determining the number of clock hours per credit hour of instruction: 15 hours of lecture instruction; 30 hours of laboratory instruction; and 45 hours of clinical, on-the-job training or internship instruction.

NCK Tech uses a consistent standard for determining the appropriate amount of time a class should meet, depending upon the type of instruction being delivered.

The conversion table below identifies the appropriate number of hours a class should meet per credit hour of instruction.

Lecture (1:1)	Lecture/Lab (1.5:1)	Lab (2:1)	Clinical/Internship (3:1)
15-29 = 1 credit	22.5-44 = 1 credit	30-59 = 1 credit	45-79 = 1 credit
30-44 = 2 credits	45-67 = 2 credits	60-89 = 2 credits	80-134 = 2 credits
45-59 = 3 credits	67.5-89 = 3 credits	90-119 = 3 credits	135-179 = 3 credits
60-74 = 4 credits	90-112 = 4 credits	120-149 = 4 credits	180-224 = 4 credits
75-89 = 5 credits	112.5-134 = 5 credits	150-179 = 5 credits	225-269 = 5 credits
90-104 = 6 credits		180-210 = 6 credits	270-314 = 6 credits
			315-359 = 7 credits
			360-405 = 8 credits

## 9:12 The Dean's List

The objectives of the Dean's List are to:

1. give recognition to students who are doing outstanding work;
2. encourage students to improve to their highest level of achievement; and,
3. raise the standards of achievement for each department and thereby increase the standards of excellence for the entire college.

The Dean's List will be published following the distribution of fall and spring semester grade reports.

The College will attempt to relay the honor rolls to hometown newspapers. This information shall also become part of the student's graduation credentials.

## 9:13 Classroom Materials and Equipment

Each department chair will submit an instructional materials and equipment list in priority order to the appropriate supervisor at a time designated by the appropriate supervisor. The Operations budget and the Capital Outlay Budget shall be compiled by the Vice President of Finance and Operations from the requests submitted by the department chairs.

## 9:14 Student Safety

The College will endeavor to provide a safe environment for students. The College President, together with the staff, will develop and determine the necessary rules and regulations relative to student safety.

It shall be the responsibility of each faculty member to stress the importance of safety to the students periodically during the year. Local building safety rules and regulations will also be explained to students at the beginning of each academic year and periodically thereafter by the instructor.

Instructors who teach in hazardous curriculum areas will teach safety rules inherent in the particular subject matter.

Appropriate safety signs or other safety items are to be posted on or near potentially dangerous devices or machinery.

Each student enrolled in a hazardous curriculum area will be given a test concerning the appropriate safety rules of the particular class. The test results will be kept on file. No student will be permitted to

participate in the class until satisfactory knowledge of the safety rules is demonstrated to the instructor. Instructors shall conduct periodic reviews of safety rules during the year.

### **9:15 Instructional Aides and Adjunct Faculty**

The Board recommends the use of instructional aides and adjunct faculty where practicable and funding level allows.

### **9:16 Partnerships**

The Board may enter into partnership programs between the College and business and/or educational institutions for the mutual benefit of the students, professional staff, and the outside organization.

There will be an annual review of the partnership's goals and objectives. The Board will be informed of the results of the annual review.

### **9:17 Resource Speakers**

It is useful to invite appropriate persons not on the staff to speak to, or meet with, groups of students as part of the educational process.

The instructor and department chairs are expected to exercise judgment regarding those who are being considered as resource speakers at the College.

Instructor and department chairs should encourage the use of resource persons representing various points of view in order to help students gain a more comprehensive understanding of any topic or procedure.

The ideas, procedure, and/or methods presented and the resource person invited to present them shall have a demonstrable relationship to the curricular or extra-curricular activity in which the participating students are involved.

### **9:18 Field Trips and Excursions**

Field trips and excursions are encouraged when a reasonable educational objective can be established. The instructor shall notify the appropriate supervisor of each trip planned and of the resources needed one week in advance on approved forms. The form shall include the nature of the trip, departure time, expected return time, names of sponsors, mode of travel, and anticipated costs to the student and the College.

### **9:19 Student Advising Program**

The advising program shall be organized to meet the needs, interests, and abilities of all individual students, each with their own particular capabilities, aptitudes, and personalities.

The advisor shall perform advising services within the guidelines of the College mission, job description, and established policies and procedures of the College.



## **9:20 Academic Freedom**

Academic freedom encompasses the right of faculty to full freedom in research and in the publication of results, freedom in the classroom in discussing their subject, and the right of faculty to be free from institutional censorship or discipline when they speak or write as citizens.

Faculty should consider that the material they speak and write is what the public will use to judge the College. Therefore, the expectation of the College is that material presented in the classroom is accurate, exercises restraint, and shows respect for the opinion of others. Faculty should make every effort to indicate they are not college spokespersons.

## **9:21 The Library Bill of Rights**

The Board adopts the American Library Association's Library Bill of Rights, which states that all libraries are forums for information and ideas and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

## **9:22 Religion in the Curriculum and School Sponsored Activities**

No religious belief or non-belief shall be promoted or disparaged by the College or its employees. Students and staff should be tolerant of each other's religious views. Students and staff members may be excused from participating in practices contrary to their religious beliefs unless there are clear educational issues of overriding concern that prevent it.

### **Teaching About Religion**

Faculty may teach about religion, religious literature and history but are prohibited from promoting, expounding upon, criticizing, or ridiculing a religion. Religious texts may be used to teach about religion, but the use of religious texts is prohibited if used to promote a particular religious doctrine.

### **Religion in the Curriculum and School Activities**

In compliance with this policy, religious themes may be presented in the curriculum and as part of

school activities. Music, art, literature, and drama having a religious theme or basis are permitted as part of the curriculum or as part of a school activity if they are presented in a balanced and objective manner and are a traditional part of the cultural and religious tradition of a particular holiday or field of study. The emphasis on religious themes in the arts, literature, and history should only be as extensive as necessary for a balanced and thorough study of these areas. These studies should never foster any particular religious tenets or demean any religious beliefs or non-beliefs.

### **Religious Symbols in the Classroom**

Temporary display of religious symbols is permitted as part of the curriculum. The temporary use of religious symbols such as a cross, menorah, crescent, Star of David, crèche, symbols of native American religions or other symbols that are a part of a religious holiday is permitted as a teaching aid if they are displayed as an example of a holiday's cultural and religious heritage.

### **Religious Holidays**

Holidays that have a religious and secular basis may be observed. School vacations shall have secular designations, e.g., Winter Vacation, Spring Break.

## **9:23 Live Work**

Live work is sometimes performed to facilitate and enhance student learning.

NCK Tech recognizes the importance of hands-on work for students enrolled in technical programs. Performance of live work in the academic setting may enhance student learning and also serve citizens in the surrounding community.

Any service performed by NCK Tech students enrolled in a technical program under the supervision of a faculty member is considered live work.

The use of student labor, college equipment, supplies, or facilities to generate a profit for any entity, private business or individual is expressly prohibited and may result in disciplinary action up to and including termination.

## **9:24 Academic Program Review**

NCK Tech will monitor the quality and viability of all its programs. All instructional programs shall be reviewed as scheduled by the Dean of Instruction. Information shall be provided to the President on program performance and cost. Information on instructional program enrollment, retention, student progress, and outcomes shall also be provided to the President.

## SECTION X: STUDENT POLICIES

### 10:1 Admissions

The Board procedures for admission and registration of students will be published well in advance of each term so that all concerned will have complete information about enrollment requirements. The Board expects that administrative procedures for student admissions will be designed so that enrollment is handled expeditiously and with the least possible inconvenience.

Programs may establish technical requirements to ensure student success and safety.

### 10:2 Awards and Scholarships

Student awards/scholarships shall be limited to those approved by the College President.

### 10:3 Repeating a Course or Program

Students wishing to repeat a specific content area or an entire program may do so with the approval of the College President. The student will be responsible for all costs. Admission is on a space-available basis.

### 10:4 Transfer

#### All Credit Transfers

Transcription of credit from another institution by NCK Tech will require the student to:

1. Have an **official transcript** from the secondary or post-secondary institution on file with NCK Tech (Student-issued transcripts are not acceptable.);
2. Have a **D or higher**, or the equivalent of 1.0 on a 4.0 scale grade, in all classes being considered for transfer or award;

**Note:** Certain programs require a C or higher grade for credit to be awarded, please consult with the Department Chair to determine the requirements of each program. Approved departmental academic requirements supersede institutional academic requirements.

3. **Only for courses approved for certificate/degree credit** will be considered for credit at the awarding institution;

**Note:** A course description, course outline or course syllabus may be requested for each course the student wishes to be considered for acceptance by NCK Tech.

Credit for any articulated courses and/or transfer credit (high school and/or postsecondary coursework from another accredited institution) will appear on the student's NCK Tech transcript. Credits awarded from other institutions will be used to calculate the student's cumulative grade point average

#### General Education Courses

General education courses taken at regionally accredited colleges, universities, or other recognized institutions may be submitted to the NCK Tech Registrar for evaluation and possible acceptance. The Registrar will consult with the Vice President of Student and Instructional Services or designee to make the final determination of transferability. General education coursework must be at the 100

level or above. If a student has completed an associate or higher-level degree from an accredited institution of higher education, prior to entering a program of study at NCK Tech, the general education courses will be accepted in total for the NCK Tech general education requirements. These courses must meet the general education requirements of NCK Tech's accrediting body.

### **Technical Education Courses**

Technical education courses taken at another accredited postsecondary or higher education institution may be submitted to the NCK Tech Registrar for evaluation and possible acceptance. The program instructor and Department Chair will make the determination of transferability with final approval by the Vice President of Student and Instructional Services or designee.

Technical education coursework eligible for transfer must have been completed within five (5) years prior to enrollment.

Evidence of relevant experience in the industry may be presented for coursework taken more than five (5) years before a request for transfer of credit is made, or NCK Tech coursework taken more than five (5) years before a request is made. This evidence will be evaluated by the Vice President of Student and Instructional Services or designee and the appropriate Department Chair for transferability.

### **Articulated Credit**

Students may seek tuition reduction or award of credit received from a secondary institution that has in place a current articulation agreement with NCK Tech. Determination of tuition reduction or award of credit will be based on the terms and status of the articulation agreement. Any student seeking transfer of credit or award of articulated credit must meet the same admissions requirements as all NCK Tech students.

### **Transfer of NCK Tech Technical Education Credit Between Programs**

With approval from the program instructor and Vice President of Student and Instructional Services or designee and upon completion of a written request for academic credit transfer, students may transfer program-specific courses in one program of study to other NCK Tech programs of study.

### **Transfer of Courses from NCK Tech**

Students wishing to transfer credit from NCK Tech to another higher education institution must request, in writing, a transcript be sent from the Registrar to the receiving higher education institution. The receiving institution will determine the acceptance of NCK Tech coursework for transfer of credit. Written requests must be submitted to:

NCK Tech College Office of the Registrar  
3033 US Hwy 24, P.O. Box 507  
Beloit, Kansas 67420

### **Credit for Prior Learning**

Credit for Prior Learning, also referred to as Prior Learning Assessment (PLA), is intended to expedite adults' completion of post-secondary education programs by evaluating an individual's existing knowledge and competencies and awarding credit as appropriate.

1. Credit for Prior Learning may be earned by documenting skills acquired through work and life experiences. These experiences could include military training

programs, industry certifications, documented work experience, or civic/volunteer experiences.

2. CPL credit may be awarded based on an evaluation by trained faculty of the College, ACE (American Council on Education) recommendations, CAEL (Council for Adult and Experiential Learning) recommendations, successful apprenticeships, 3<sup>rd</sup> party certifications, professional licensure, or assessing prior military credits. The method of evaluation will be determined following the review of transcripts and upon a written request of the applicant.
3. CPL will only be awarded for students enrolled in a full-time program at NCK Tech. NCK Tech may award no more than 50% of the total program hours for CPL.
4. Written requests for CPL must be submitted to the Registrar at least 30 days prior to the beginning of the first semester of the program. Questions regarding CPL can be directed to the office of the Registrar.

### **10:5 Intercampus Transfer**

Students seeking transfer from one NCK Tech campus to another, between the first and second year of the same two (2)-year program, must work through the Registrar to obtain approval of the program department chairs on both campuses. The department chairs will consider the availability of space and resources, as well as evidence of the student's ability to complete the program successfully.

Transfer from one NCK Tech campus to another, once the program has started or once the academic year is underway, will not be permitted under normal circumstances. In the event of extenuating circumstances, a student may submit a written request for intercampus transfer to the College President. The President will consider feasible options for the College and the student to mitigate the circumstances. Additionally, the decision may take into account input from any of the affected parties on both campuses considering the availability of space and resources, as well as evidence of the student's ability to successfully complete the program.

### **10:6 Readmission (See also Disciplinary Sanctions)**

Students whose enrollment has been terminated, either voluntarily or otherwise, may apply for readmission.

Applications for readmission shall be submitted to the registrar. If the student who is applying for readmission has been previously expelled, the College President may refuse readmission, depending upon the reason for the termination of enrollment.

### **10:7 Graduation**

Formal public graduation activities shall be conducted under the College President's control and supervision. All qualifying students shall be entitled to participate in graduation exercises unless participation is denied for appropriate reasons. Qualifications for graduation are set forth in the student catalog/handbook. The College President shall make this determination.

## **10:8 Student Records**

All student records are to be treated as confidential and primarily for local college use or as otherwise stipulated in accordance with the Family Educational Rights and Privacy Act (FERPA). NCK Tech will take reasonable steps to protect student's privacy related to their transgender status, including their birth name or sex assigned at birth. Each college campus shall establish appropriate procedures for the granting of a request by students or by parents (if allowed under FERPA) for access to the student's records within a reasonable period of time, but in no case, more than 45 days after the request has been made.

The student, or parents if the student is under 18, shall have an opportunity for a hearing to challenge the content of the student's records to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student; to provide an opportunity to correct or delete any inaccurate, misleading or otherwise inappropriate data; and to insert into student records the written explanation of the content of the records.

Any eligible parent or student may inspect the personal records of the student during regular office hours. The College reserves the right to interpret selected records for students and/or parents at the time of the inspection.

For the purpose of this policy, whenever a student attains 18 years of age or is enrolled in a program of post-secondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

The parents of students, or the students, if they are 18 years of age or older, must be informed annually by the College President of the rights accorded them by this section. In addition, the public must be informed annually by the College President of the categories of information the institution has determined to be directory information.

## **10:9 Release of Student Records**

Individual student files are not available for public inspection. The custodian of student records shall disclose the student's educational records only as provided in this policy.

### **Directory Information**

Annual notice shall be given to parents and eligible students concerning the student's records. In addition, the custodian of the educational records shall give annual public notice of the class of records the institution has designated as directory information, and of the right of the parent or eligible student to object to the release of directory information without prior written consent. NCK Tech will not designate student's sex, including transgender status, as directory information. The appropriate forms for providing notice shall be on file in the office of the custodian of the educational records.

After giving the annual notice, the custodian of records may make directory information available without parental or eligible student's consent. The custodian of records shall make student recruiting information (name, address, and telephone listing) available to military recruiters and postsecondary institutions unless parents or eligible students request the information not be released without written consent.

The College may disclose, without the parents or eligible students' consent, personally identifiable information to school officials with a legitimate educational interest. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); the Board of Trustees (in executive session); a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

The custodian may disclose students' education records to the following persons without the prior consent of the student or parents (if the student is under 18):

1. Other school officials, including instructors within the College who have legitimate educational interests;
2. Officials of other schools in which the student intends to enroll. The College will forward student records to such institutions without further notice to the parents or eligible student when the disclosure is initiated by a parent or eligible student or an annual notice provided to parents and eligible students by the College informs them that such records will be automatically disclosed to these institutions for the purposes of enrollment or transfer of the student;
3. Authorized persons to whom a student has applied for or from whom a student has received financial aid;
4. State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statutes;
5. Organizations conducting studies for educational agencies for the purpose of developing, validating or administering student tests or programs;
6. Accrediting organizations;
7. Parents of a student 18 years of age if parents claim the student as a dependent for income tax purposes;
8. Appropriate persons if knowledge of any information is necessary to protect the health or safety of the student or other persons in an emergency;
9. The disclosure is directory information;
10. The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. The institution may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.
11. The disclosure is in connection with a disciplinary proceeding at an institution of postsecondary education. The institution must not disclose the final results of the disciplinary proceeding unless it determines that:
  - a. The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and
  - b. With respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. The institution may not disclose

the name of any other student, including a victim or witness, without the prior written consent of the other student.

12. The disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if
  - a. The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and
  - b. The student is under the age of 21 at the time of the disclosure to the parent.
13. The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable Federal guidelines; and
14. In compliance with a lawfully issued subpoena or judicial order.

Access will be granted to any third party upon written authorization of the eligible student or parent (if the student is under 18).

No personally identifiable information contained in personal school records shall be furnished to any person other than those named herein. When there is written instruction from the student's parents (if the student is under 18) or the eligible student specifying the records, the reasons and the person(s) to whom the release is to be made, a copy of the records to be released shall be made available to the student or parents upon request. When information is requested in compliance with a judicial order or pursuant to any lawfully issued subpoena, parent (if the student is under 18) and the student shall be notified of the orders or subpoenas in advance of compliance with the order or subpoena unless:

1. The order or subpoena specifically forbids such disclosure; or
2. The order is issued in the context of a court proceeding where a parent is a party and the proceeding involves child abuse and neglect or dependency matters.

Nothing contained in this policy shall preclude authorized representatives of the Comptroller General of the United States, the Secretary and an administrative head of an educational agency or state authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of federally supported education programs or the enforcement of the federal legal requirements which relate to these programs.

The data collected by such officials with respect to individual students shall not include information (including social security numbers), which would permit the personal identification of students or their parents on the data collected and provided.

All persons, agencies or organizations desiring access to the records of a student shall be required to sign a form, which shall be kept permanently with the student's file, but only for inspection by the parents (if the student is under 18), the student or a school official responsible for record maintenance. The form signed shall indicate the specific educational or other interest of each person, agency, or organization has in seeking this information.

Personal information shall be transferred to a third party only on the condition that such party shall



not permit any other party to have access to such information without the written consent of the student's parents (if the student is under 18) or the eligible student. The Board and staff shall protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Board or administration. Regulations established under this policy shall include provisions controlling the use, dissemination, and protection of such data.

### **10:10 Disposition of Records**

Annual notice shall be given to parents (if students are under 18) and eligible students concerning student records. In addition, the custodian of the educational records shall give annual public notice of the class of records the institution has designated as directory information. The appropriate forms for these notices shall be on file in the educational record custodian's office.

To eliminate unnecessary or outdated information, the official custodian shall review student records periodically.

### **10:11 Attendance Policy**

Attendance Policy: Class attendance is necessary for students to learn and succeed. The College intends to establish expectations that resemble those of a workplace environment. Students are expected to attend class every session. Students should be punctual in their attendance and participate fully in all class-related activities to include: labs, shop, and field trips. Students are accountable for their absences and responsible for providing instructors with advance notice of any absence.

Due to the diversity of programs offered and the various formats in which they are delivered, NCK Tech allows each department to develop its own approved attendance policy, which best suits their program. The attendance policy will be outlined in the course syllabus and may be factored into the student's daily grade and/or final grade. Students are advised to meet with their instructor regarding the attendance policy for each class/program.

If a student's absences exceed the limits of the program's attendance policy, instructors may recommend a student be dismissed from the class or program. The final decision on the recommendation will then be made by the administration. The decision will then be communicated to the student and the instructor.

### **10:12 Student Code of Conduct**

Students shall be expected to assume their share of responsibility in maintaining an atmosphere conducive to an effective teaching-learning situation in all classes and activities in which they participate under college sponsorship.

The College President shall develop rules and regulations consistent with board policy necessary to govern student conduct. These rules shall be reviewed at least annually by the Board and adopted by reference as a part of these policies.

A student shall not use any conduct intentionally to cause substantial and material disruption or

obstruction of any lawful college function. Neither shall a student urge other students to engage in conduct intended to cause a disruption or obstruction of any college function.

The following student behaviors are unacceptable:

1. Violation of college policies and procedures
2. Possession, storage, use and/or sale of chemical substances on campus
3. Possession, storage or use of lethal weapons on campus
4. Use of tobacco products in college buildings
5. Disruptive behaviors and conduct
6. Verbal abuse of a college employee, student or other person(s) not employed by the College while on campus or involved in college activities
7. Physical abuse of a college employee, student or other person(s) not employed by the College while on campus or involved in college activities
8. Acts of vandalism to college property and/or other's personal property
9. Threats (by word or deed)
10. Theft/extortion of college property or personal property
11. Profanity and/or obscenity
12. Intimidation of others
13. Open defiance
14. Fighting
15. Any other acts which disrupt the normal educational environment of the College

Violation of any provision of this student code of conduct may result in appropriate disciplinary action. Any of the following disciplinary measures may be utilized for violations of the student code of conduct:

1. Probation
2. Community Restitution (campus or community service)
3. Restitution
4. Suspension
5. Expulsion

If the student is a high school student under the age of 18, the school district administration will be informed, and the College will confer with the school district administration regarding the appropriate disciplinary action.

### **10:13 Academic Honesty**

Membership in the NCK Tech learning community imposes upon the student a variety of commitments, obligations, and responsibilities. It is the policy of this college to impose sanctions on students who misrepresent their academic work. Appropriate classroom instructors or other designated persons will select these sanctions consistent with the seriousness of the violation and related considerations.

Examples of scholastic dishonesty include but are not limited to:

1. Plagiarism: i.e., taking someone else's intellectual work and presenting it as one's own. Each department sets standards of attribution. Faculty will include disciplinary or class-specific definitions in course syllabi.
2. Cheating is unacceptable in any form. Examples include consultation of books, library materials, notes or electronic devices during tests without the instructor's permission; use of crib sheets or hidden notes; intentional observation of another student's test; receipt of a copy of an exam or questions or answers from an exam to be given or in progress; submission of falsified data; alteration of exams or other academic exercises; and collaboration on projects where collaboration is forbidden.
3. Falsification, forgery or alteration of any documents pertaining to assignments and examinations.
4. Students who participate in, or assist with, cheating or plagiarism will also be in violation of this policy.

Classroom instructors and/or administrators will assess sanctions for violations of this policy. The seriousness of the violation will dictate the severity of the sanction imposed. Academic sanctions may include but are not limited to any of the following:

1. Verbal or written warning
2. Lowering of grade for an assignment
3. Lowering of term grade

Administrative sanctions may include but are not limited to either of the following:

1. Suspension from the course, program or college
2. Dismissal from the course, program or college

### **10:14 Academic Appeal**

Students who believe they have been treated unfairly with regards to academic regulations or grading procedures have the right to an appeals process. The first step must be to address the issue with the instructor. If the student is not satisfied with the result, the student can appeal the decision to the Dean of Instruction within 30 days of the event. A student who wishes to appeal the decision of the Dean of Instruction may do so by filing a written appeal to the Vice President of Student and Instructional Services within 10 business days of the decision. A decision will be delivered to the student within five (5) business days. A student who wishes to appeal the decision of the VP of Student and Instructional Services may appeal to the College President within 10 days of the decision. The College President will deliver a decision to the student within five (5) business days. The decision of the College President is final.

### **10:15 Drug Testing Policy Revised 07/24/23**

NCK Tech has an obligation to provide a safe learning environment for all students and community members who may be impacted by the training of students in certain programs. NCK Tech offers several programs that require students to work with and around hazardous equipment with the potential to cause severe injury or death. In addition, NCK Tech offers nursing programs that require direct patient care. Students in these lab/shop areas and patient care areas must be attentive and focused on their actions, as well as others around them. Students with impaired or delayed reaction

time, loss of concentration, or impaired decision-making are a hazard to others. Students that are impaired due to prescription medications or illegal drug use pose a serious risk to staff members, other students, and community members. The purpose of this policy is to promote safety and prevent a potential safety risk to others. This Drug Testing Policy shall not be used for law enforcement purposes.

NCK Tech partners with Business and Industry leaders through an Advisory Board process. Per their recommendations, as well as industry standards, the areas of concern are the Nursing Programs, Heavy Equipment, Welding, Diesel Technology, and the Agricultural Equipment Technology Programs.

1. Nursing students are required to complete clinical training, which includes direct patient care.
2. Heavy Equipment students are required to operate very large equipment, such as bulldozers, motor graders, evacuators, backhoes, loaders, scrapers, and directional drills.
3. Welding students are required to use welding machines and tools, solvents and gases, and are exposed to high heat temperatures.
4. Diesel Technology students are required to use truck lifts, overhead cranes and forklifts, and to drive customer vehicles, tractors, dozers, graders, evacuators, and school buses.
5. Agricultural Technology Equipment students are required to use overhead cranes, forklifts, and to drive customer equipment.

The policy for each of these programs follows:

1. **Testing:** All enrolled shall be subject to drug and alcohol testing.
  - a. Testing shall be coordinated by the Director of Nursing, or the Dean of Student Success and will be conducted at least once each semester.
  - b. Test results shall be forwarded directly to the Director of Nursing, or the Dean of Student Success. All test results will be considered confidential but may be accessed by College officials for disciplinary purposes
  - c. Absences and tardiness will not be tolerated and failure to appear within the designated testing window will be considered a missed test.
  - d. In the event of a positive test, the Director of Nursing or Dean of Student Success give the student an opportunity to discuss the result of the test. A review of all medical records will be made available by the tested student when a confirmed positive test could have resulted from legally prescribed medication. If after the review by Director of Nursing or Dean of Student Success, there is no valid explanation for the screening results then the results will stand, and the student may request a rest of the sample at the student's expense. This request must be submitted within 24 hours.
  - e. Students that provide a negative dilute result on a drug screen are required to repeat the drug screen at their expense within 5 business days of receiving notification from the Dean of Student Success. If the result of the retest is a negative dilute, the test result will be considered negative.
  - f. Refusal to provide a specimen for testing shall be grounds for suspension or expulsion from the student's program.

- g. Test results or specimens that have been determined to be altered by the student shall be grounds for suspension or expulsion from the student's program.
- h. If the student does not request a retest of the sample, or if the sample is positive again upon retesting, the student shall be suspended or expelled from the program.
- i. Positive test results will result in a recommendation of expulsion from the College.
- j. Students may reapply for admission into the college the following academic year. Prior to returning, students may be required to provide a negative drug test.

- 2. Initial Enrollment or Re-enrollment:** All students enrolling in the nursing programs shall be responsible for obtaining a drug screening from their respective campuses selected medical lab. Students are responsible for their own expenses.
- a. The test results shall be forwarded directly to the Director of Nursing by the lab. All test results are confidential and access to the results shall be limited to the Director of Nursing. These individuals shall have the authority to determine institutional personnel having a legitimate need to know access to specific information.
  - b. Tests must be taken within 30 days prior to the first day of class. Students will not be able to participate in class until the results are received. Exceptions may be granted by appealing to the Director of Nursing or the Dean of Student Success.
  - c. The lab shall also forward a copy of the results to the student.
  - d. In the event of a positive test result, the student may request a retest of the sample at the student's expense.
  - e. If the student does not request a retest of the sample or if the sample is positive again upon retesting, the student shall not be permitted to start the program.
  - f. Students who are denied permission to start the program due to a positive drug testing result may reapply for admission the following academic year.

**3. Confidentiality**

- a. All results obtained and received will be kept confidential in separate medical record files. Access to such files shall be strictly limited.
- b. No information from such drug testing reports shall be provided to any person other than those whose duty requires them to have access to such information.
- c. Drug test results shall be used only as outlined in this policy. Such results shall not be used for any other purpose unless required to be produced by court order.
- d. Drug test results will not be transferred to other academic institutions or provided to potential employers.
- e. Drug test results shall not be provided to law enforcement unless required to be produced by court order.

## 10:16 Sexual Misconduct

The College is committed to providing a safe learning and working environment. In compliance with federal law, specifically, the Jeanne Clery Act ("Clery Act") and the Campus Sexual Violence Elimination Act ("SaVE Act"), the College has adopted policies and procedures to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking. These

guidelines apply to students, faculty, and staff, as well as contractors and visitors.

NCK Tech will not tolerate sexual assault, domestic violence, dating violence, or stalking, as defined in this Policy, in any form. Such acts of violence are prohibited by policy, as well as state and federal laws. Individuals whom the College determines more likely than not engaged in these types of behaviors are subject to penalties up to and including dismissal or separation from the College, regardless of whether they are also facing criminal or civil charges in a court of law.

### **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

Sexual Assault refers to any nonconsensual sexual act proscribed by Federal, tribal, or state law, including when the victim lacks the capacity to consent.

Domestic Violence includes felony or misdemeanor crimes of violence committed by:

1. A current or former spouse or intimate partner of the survivor;
2. A person with whom the survivor shares a child in common;
3. A person who is or was residing in the same household as the survivor; or
4. Any person against someone who is protected from that person's acts under the domestic or family violence laws of the Jurisdiction.

Dating Violence refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor and where the existence of such relationship shall be determined based on a consideration of 1) the length of the relationship, 2) the type of relationship, and 3) the frequency of interaction between the persons involved in the relationship.

Stalking occurs when an individual engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

### **Reporting an Incident**

The College encourages any member of the College community (including students, staff, contractors, and visitors) who have experienced sexual assault, domestic violence, dating violence, or stalking to report the incident to the College.

If a student, faculty or staff member, visitor, or contractor has experienced a sexual assault, domestic violence, dating violence, or stalking, they should immediately report the incident to the Title IX Coordinator.

Individuals who are on the Beloit campus can make an in-person report at the Vice President of Student and Instructional Services office. Individuals who are on the Hays campus can make an in-person report at the Vice President of the Hays Campus office. College staff will assist all members of the College community by assessing the incident, advising the survivor on how he or she can seek legal protection, and making the survivor aware of medical, counseling, and other support services. If a reported incident did not occur on campus, the Title IX Coordinator can assist the survivor in notifying the local police department with jurisdiction over the crime. In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911. Calling 911 will put you in touch with local police.

Students who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the College's Title IX Coordinator at 785-738-2276 or [titleix@ncktc.edu](mailto:titleix@ncktc.edu).

Employees who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the College's Title IX Coordinator at 785-738-2276 or [titleix@ncktc.edu](mailto:titleix@ncktc.edu).

The Title IX Coordinator will provide survivors of sexual assault, domestic violence, dating violence, and stalking with information about available support services and resources, and also assist any survivor in notifying law enforcement, including the local police if the survivor elects to do so.

Survivors are not required to report to area law enforcement in order to receive assistance from or pursue any options within the College. For more information, please visit our website for information on how to report an act prohibited by this policy.

### **Written Notification of Rights and Options**

Any student or employee, who reports an incident of sexual assault, domestic violence, dating violence, or stalking that has occurred on property owned or leased by NCK Tech or that involves a program or activity associated with the College, shall receive a written explanation of their rights and options as provided for under this policy.

These rights and options include the right(s) of a survivor to:

1. Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
2. Seek a criminal complaint for threats, assault and battery, or other related offenses;
3. Seek medical treatment (the Title IX Coordinator will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
4. Request the Title IX Coordinator and/or local police remain at the scene until your safety is otherwise ensured;
5. Request that the Title IX Coordinator and/or local police assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence; and
6. Obtain a copy of the police incident report at no cost from the police department.

### **Procedures Survivors Should Follow**

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.



Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

### **On-Campus and Off-Campus Resources**

The College, the City of Beloit, the City of Hays, and Mitchell and Ellis counties all offer other important resources to the survivors of sexual assault, domestic assault, dating violence, or stalking, including medical treatment, counseling services, and advocacy that survivors may wish to utilize.

A survivor need not formally report an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or the College in order to access the following resources.

The following college employees and on-campus offices can assist members of the College community in considering their options and navigating through any resources or recourse they may elect to pursue:

- Vice President of Student and Instructional Services, Corey Isbell, 785-738-9055, [cisbell@ncktc.edu](mailto:cisbell@ncktc.edu)
- Vice President Finance & Hays Operations, 785-623-6150; [dbaumann@ncktc.edu](mailto:dbaumann@ncktc.edu)

### **Off-Campus Resources Available:**

- Beloit Police Department, 785-738-2203
- Hays Police Department, 785-625-1030
- Mitchell County Hospital Health Systems, 785-738-2266
- Hays Medical Center, 785-623-5000
- Pawnee Mental Health, 785-738-5363
- Battered Women's Crisis Center, Hays, KS, 785-625-4202
- Kansas Coalition Against Sexual & Domestic Violence, 888-363-2287
- Domestic Violence Association of Central Kansas, 800-874-1499

### **Accommodations**

Regardless of whether a student or employee reports an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or pursues any formal action, if they report such an incident to the College, the College is committed to providing them a safe as possible learning or working environment. Upon request, the College will make any reasonably available change to complainants or respondent's academic, living, transportation, and working situation.

When a reported incident of abuse involves more than one member of the College community, the College's Title IX coordinator may also issue an Institutional No Contact order, prohibiting the individuals from contacting one another, either on or off-campus. Students and employees may contact the Title IX Coordinator for assistance.

Local law enforcement will advise survivors of a reported incident of sexual assault, domestic violence, dating violence, or stalking about how to seek a restraining order from a criminal court that directs the accused to refrain from abuse and to leave the survivor's household, building, school,



college, or workplace.

The College is committed to ensuring that orders of protection issued by courts are fully upheld on all college-owned, used, and controlled property as well as properties immediately adjacent to the College. Therefore, if any member of the College community obtains an order of protection or restraining order, he or she should promptly inform the Title IX Coordinator and provide them a copy of that order so that the College can enforce it. The College is also committed to protecting survivors from any further harm. If the Title IX Coordinator determines that an individual's presence on campus poses a danger to one or more members of the College community, they can issue an institutional No Contact or No Trespass Order barring that individual from college property until resolved by Board of Trustees action.

### **Survivor Confidentiality**

The College recognizes the sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of individuals who report incidents of abuse, to the extent that doing so is permitted by law and consistent with the College's need to protect the safety of the community. Different college officials and personnel are able to offer varying levels of privacy protections to survivors.

The College requires all employees to share with the College's Title IX Coordinator information they learn concerning a report of sexual assault, or an incident of domestic or dating violence, or stalking, so that the Title IX Coordinator can investigate the incidents, track trends (including possible multiple reports involving the same assailant) and determine whether steps are needed to ensure the safety of the community. It is the survivor's choice whether he or she wishes to participate in the investigation; however, the College may proceed with an investigation without the survivor's participation if there is a concern for the safety of other members of the community.

Reports made to local law enforcement will be requested on behalf of NCK Tech by the Title IX Coordinator to determine if a Title IX investigation is warranted. Reports may also be made public (maintaining the survivor's anonymity) if there is a concern for the safety of other members of the community.

Reports received by the College concerning the abuse of a minor or juvenile must be reported to state officials in compliance with state law requiring mandatory reporting of child abuse. All members of the College community are required by policy to report any instances of known child abuse or neglect to the Title IX Coordinator. The Title IX Coordinator will, in turn, report information to the appropriate state authorities.

Reports of sexual assault, domestic or dating violence, or stalking, which are shared with the College's Title IX Coordinator or other college officials, will be treated with the greatest degree of respect and privacy possible while still fulfilling the College's obligation to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. It is the survivor's choice whether to participate in the investigation; however, the College may proceed with the investigation without the survivor's participation if there is a potential threat to other members of the community.

A survivor's ability to speak in confidence and with confidentiality may be essential to his or her

recovery. The College thus expects employees to treat information they learn concerning incidents of reported sexual assault, domestic violence, dating violence, and stalking with as much respect and as much privacy as possible. College employees must share such information only with those college officials who must be informed of the information pursuant to college policy. Failure by a college employee to maintain privacy in accordance with college policy will be grounds for discipline.

While federal law requires the College to include certain reported incidents of sexual assault, domestic violence, dating violence, and stalking among its annual campus crime statistics, such information will be reported in a manner that does not permit the identification of survivors.

### **College Educational Programs**

The College is committed to increasing the awareness of and prevention of violence. The College makes continued efforts to provide students and employees with education programming and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before they occur.

To address the issue of sexual assaults, domestic violence, dating violence, and stalking in a college environment, the College offers practical guidance for risk reduction, violence prevention, and bystander intervention, including but not limited to:

1. Personal Safety Workshops – In an effort to educate the College community about safety, the College provides opportunities for all members of the College community to learn about safety precautions. College officials conduct and/or coordinate awareness workshops for college community members on a wide variety of subjects including, but not limited to alcohol awareness, the definition of consent and sexual assault, and wellness.
2. New Student Orientation – Student orientation programs addressing active bystander awareness, support services, medical amnesty, wellness, and personal safety are delivered by members of the Student Services department to new students.
3. Crime Bulletins and Alerts – college officials periodically distribute crime bulletins or alerts to inform members of the College community about incidents of crime in the areas surrounding the College that may pose an imminent threat of harm to members of the community. Bulletins and alerts are also circulated at times, not in response to specific incidents, but as general reminders to college community members about measures that members of such community can take to enhance personal and property security.
4. New Employee Orientation – All new employees receive training on Sexual Harassment and Title IX through the Title IX Coordinator.
5. Student Activities Programs – These programs are run through the Student Services department and inform students on a wide variety of topics such as alcohol awareness, sexual assault, consent, bystander awareness, personal safety, and fire safety.
6. Bulletin Board Campaigns – The Student Services department uses passive programming strategies throughout campus to provide information on crime prevention and safety issues related to college students on and off-campus.

Additional information about prevention efforts can be found on the College website.

### **Conduct Proceedings**

The College strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face action by the College. When students or employees are accused of having engaged in sexual assault, domestic violence, dating violence, or stalking the College may, depending on the facts alleged, issue interim safety measures prior to the resolution of the charges. Such interim safety measures might include issuing No Contact Orders between the parties, altering an individual's work or class schedule or a student's on-campus housing assignment, placing an employee accused of misconduct on administrative leave, or placing a student accused of misconduct on an interim suspension. Interim measures must be available for the complainant and the respondent. Additionally, NCK Tech must make every effort to avoid depriving any student of her or his education.

The College's Title IX Coordinator will oversee all investigations of allegations of gender-based violence. Employees who are found responsible for having committed such a violation could face termination of employment, and students who are found responsible for having committed such a violation may face disciplinary probation, deferred suspension, suspension from college housing, dismissal from college housing, suspension from the College, or dismissal from the College. In addition, the College may issue No Contact Orders and No Trespass Orders to those found responsible.

If a Title IX investigation concludes that evidence exists which suggests a student more likely than not engaged in sexual assault, domestic violence, dating violence, or stalking, the matter will be referred to the Title IX Coordinator and adjudicated pursuant to the Student Code of Conduct and incidents involving employees and college affiliates who are found by the College to have engaged in behavior that violates college policy, including but not limited to sexual assault, domestic violence, dating violence, or stalking.

All conduct proceedings that have occurred on property owned or leased by NCK Tech or that involves a program or activity associated with the College shall provide a prompt, fair, and impartial investigation and resolution. All investigations and proceedings shall be conducted by officials who receive annual training on the nature of the types of cases they are handling, how to conduct an investigation, and how to conduct a proceeding in a manner that protects the safety of survivors and promotes accountability.

Once an investigation has opened, both the complainant and respondent shall be given written notice. The notice shall provide at a minimum the following factual details:

- Identification of parties involved in the conduct proceedings
- Specific policy provisions for the complainant and respondent
- Precise conduct violation
- Date and location of the alleged incident

Additionally, each party shall receive written notice in advance of any interviews or hearings with sufficient time to prepare for meaningful participation.

The College seeks to investigate and adjudicate any official complaints of sexual abuse, domestic violence, dating violence, or stalking that are filed with the College within sixty (60) days of receipt of

that complaint unless mitigating circumstances require the extension of time frames beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, college breaks, or vacations that occur during the pendency of an investigation or other unforeseen circumstances. In these matters, the complainant and the respondent shall be notified, provided an explanation, and given information about the amount of additional time required.

In all investigatory and adjudication proceedings conducted by the College concerning charges of sexual misconduct, domestic violence, dating violence, or stalking, including any related meetings or hearings, both the complainant and the respondent will be afforded the same process rights, including equal opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. Both the complainant and respondent will also be afforded an equal opportunity to introduce evidence and identify witnesses.

If both parties voluntarily agree to it and the Title IX Coordinator determines it is appropriate, NCK Tech may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution. If a voluntary resolution cannot be reached between the two (2) parties, a formal investigation will be conducted.

When a student is accused of any violation of the student conduct code, including but not limited to charges that he or she engaged in sexual assault, domestic or dating violence, or stalking, the charges will be decided using the preponderance of evidence standard, which means that it is more likely than not that the reported misconduct occurred.

Prior to a final determination, a written report summarizing the evidence provided during the investigation must be completed. Both parties will have an opportunity to respond to the report in writing in advance of any determination. The complainant and respondent will have the same meaningful access to the information utilized to make a final determination.

When the Title IX Coordinator completes an investigation both the complainant and the respondent shall simultaneously be informed in writing within 7 business days of the outcome of the investigative proceeding. Both the complainant and respondent will be given the same procedures and timeframe to appeal the outcome of the proceeding, both parties will receive the same process rights if an appeal is granted, and the parties will both receive timely notice when the outcome becomes final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.

## **10:17 On Campus Driving Privileges**

Only street-legal vehicles will be allowed on campus; special circumstances may be granted by the College President.

### **Reckless Driving:**

Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving and is subject to losing driving privileges on campus.

### **Passengers Riding in the Back of Pickup Trucks or on the Hood:**

It is unlawful to have passengers riding in the bed of a pick-up truck or on the hood, no matter the

age of the passenger. If this occurs on the NCK Tech campus, the driver and each passenger shall be fined and could be subject to additional punishments as seen appropriate by the Vice President of Student and Instructional Services.

### **Parking Violations:**

Students are expected to adhere to parking requirements as established by the City of Beloit. Students are not to occupy more than one space or back into a space (unless loading or unloading). Violators will be subject to a fine.

Failure to pay fines assessed under this policy may result in the loss of driving privileges on campus and put a hold on the student's account.

## **10:18 Disciplinary Sanctions**

The purpose of these rules is to define an orderly procedure which, if followed, would be identified as "just and reasonable" in the eyes of the Board, administration, instructor, student, and parent/guardian, if under the age of 18, in resolving academic issues. If the student is a high school student under the age of 18, the school district administration will be informed, and the College will confer with school district administration regarding the appropriate disciplinary action.

### **Academic Issues**

#### **Step I: Student Conference**

The conference shall follow the procedures outlined below and shall occur as soon as possible of the disciplinary issue:

1. Conduct a private conference with the student.
2. Specify on the student conference form causes of concern; cite exact instances; make sure all parties are aware of what the issues are.
3. Determine a plan of action.
4. Provide a completion date for students to attempt to correct deficiencies.
5. Give a signed and dated copy of provisions to students at the completion of the conference.
6. Faculty/staff should keep copies of all conference forms.
7. Send a copy of the conference report to the Office of the Dean of Student Success, or Vice President of the Hays campus, and the College President.

If warranted or behavior continues and/or increases, the student will be referred to the office of the Dean of Student Success or the Vice President of the Hays campus and the following procedure will be used:

#### **Step II: Conference with the Dean of Student Success**

The faculty or staff member shall report results of the previous conference to the Dean of Student Success to give complete, up-to-date background of the case.

The Office of the Dean of Student Success with the faculty or staff member and the student shall outline specific areas of concern and develop a plan of action. The plan of action shall outline specific timelines and expectations for improvement. This plan of action shall be signed and dated by all parties.

### **Step III: Conference with Vice President of the Hays Campus or the Vice President of Student and Instructional Services**

In the event of failure of Steps I and II, the Office of the Dean of Student Success or Vice President of the Hays Campus shall take appropriate corrective actions up to and including expulsion. Students shall be advised of any such action, and/or expectations of future behavior, in writing.

A suspension or expulsion notice (if applicable) shall advise the student and parents, when appropriate, (of their Due Process Rights).

The College has the authority to bypass any step or steps in the procedure as deemed necessary by college officials.

### **Disciplinary Action Procedures**

If the student is a high school student, the school district administration will be informed, and the College will confer with the school district administration regarding the appropriate disciplinary action.

1. **Community or Campus Service:** The use of community or campus service may be used as deemed necessary by college administrators. Any student assigned these sanctions will be placed on a plan of action that includes a timeline for completion, a contact for the service to be performed, and a total number of hours to be completed. Failure to complete assigned community or campus service may result in further disciplinary action up to and including expulsion from the College.

2. **Monetary Restitution:** Monetary restitution may be assigned as a sanction as deemed necessary by college administrators. When monetary restitution is assigned as a sanction, the student will be notified in writing of the amount and due date for such restitution. Any money not paid by the due date will be applied to the students account. Failure to pay assigned monetary restitution may result in further disciplinary action up to and including expulsion from the College.

3. **Probation:** The use of probation is authorized when deemed necessary, both for academic and non- academic issues.

Any student placed on probation shall be given a written list of the terms and conditions of probation by the person granting probation; and the student shall sign a statement to the effect that the terms and conditions have been received, fully explained, and understood.

The student shall indicate willingness to abide by them; and in case of failure to do so, the sanction originally imposed may be reinstated at the discretion of the person granting the probation. Failure to honor the terms of probation may result in further disciplinary action up to and including expulsion from the College.

4. **Suspension:** A suspension may be imposed by the College President or designee at any time it is reasonably determined that a student's continued presence on campus poses a significant danger to either the student or to others or if there is reasonable cause to believe such an interim suspension is required to protect lives or property and to ensure the maintenance of order.

Short-term suspension of less than 10 days may be imposed by the Vice President of Student and Instructional Services/Vice President of Hays campus as needed. Short-term suspensions may be appealed in writing within three (3) business days to the

College President. If the decision is not appealed within three (3) business days, the student will be deemed to have waived the appeal and the decision by the Vice President of Student and Instructional Services/Vice President of Hays campus shall be deemed final.

Long-term suspension is an official action taken by the College, which suspends all rights as a student at NCK Tech during a specified period of at least 10 days and not more than 180 days.

During any period of suspension, the student suspended may not attend classes, activities, or events sponsored by the College and may not be on any property owned or used by the College. If the suspension is more than two (2) days, academic assignments will not be accepted during the period of suspension and will not be made up. Violations of suspension will result in appropriate criminal charges being filed, as well as additional disciplinary action being taken. Suspension does not absolve the student of any financial obligations to NCK Tech.

Depending on the offense, students may be suspended from student housing, but still allowed in college classes.

In certain circumstances, deemed appropriate by college administrators, students may be suspended from program courses, but allowed to stay in general education courses.

5. **Expulsion:** Expulsion may be for a minimum of one full semester and may be imposed for an entire academic year or an extended period beyond the current academic year. When expelled from NCK Tech, a student may not participate in any college function and may not be on any property owned or used by the College. Violations of the terms of expulsion may result in the College pursuing criminal and/or civil remedies. When a student is expelled from the College, F grades are recorded for any classes not completed in the current enrollment period. Students who have not been previously expelled may apply for reinstatement to the College by submitting a letter of appeal to the College President requesting a hearing.

Students expelled for an extended-term beyond the current academic year must wait two (2) years before seeking reinstatement.

Any student who is recommended by the Vice President of Student and Instructional Services/Vice President of Hays campus to receive a long-term suspension (more than 10 days) or expulsion, will be granted a disciplinary hearing. The student may be placed on short-term suspension until the hearing can be conducted. The hearing shall be conducted no later than 10 days after the recommendation for long-term suspension or expulsion by a hearing officer who has the authority to suspend or expel. The College President shall designate a hearing officer other than himself/herself.

The hearing officer shall explain that the purpose of the hearing is to review the charges and incidents upon which the proposed long-term suspension or expulsion is based and to provide an opportunity for the student, his/her parents or guardian (if the student is under 18), counsel and witnesses to present other information to be considered before a decision is made.

The student will be notified in writing, either by e-mail or letter, at least three (3) business days prior to the hearing. The notice will state the time, date, and place of the hearing. If a student fails to appear for the scheduled hearing, the hearing officer will dismiss the appeal and the earlier decision will be deemed final.

At any long-term suspension/expulsion hearing the following will occur:

1. The student will have a right to hear charges of conduct violations read.
2. Each party will have the right to have an adviser present (including an attorney) at the party's own expense.
3. Each party will have the right to hear the testimony and see the evidence presented at the hearing.
4. Each party will have the right to present witnesses to be heard by the hearing officer.
5. Each party will have the right to testify and give reasons supporting its position.
6. Proceedings will be tape-recorded, except for hearing officer deliberations.
7. A written report will be prepared by the hearing officer affirming, modifying, or reversing the decision from which the appeal was made. Copies of the written report will be e-mailed to the student at the student's college e-mail address and delivered to the Vice President of Student and Instructional Services/Vice President of the Hays campus and the College President.

If either party is dissatisfied with the decision of the hearing officer, the hearing officer's decision may be appealed to the College President by submitting a written request for appeal to the President's office within five (5) business days after the date of the hearing officer's written report of the decision. If neither of the parties appeals during the time specified, the hearing officer's decision will be deemed final.

If, in the opinion of the President, the behavior of the student is reasonably expected to cause continued material disorder, disruption or interference with the school's operation, the President may find that the sanction will stand pending the outcome of the appeal

Upon receipt of a request for appeal, the President will review the taped record and any written materials submitted at the disciplinary hearing. At the President's sole discretion, the parties may be asked to appear or the parties may be asked to present additional evidence. If additional evidence is requested, it will be presented in a manner granting each party the same due process rights as those outlined above. Within 10 days of delivery of the request for appeal or within 10 days after the date upon which the parties appear or additional evidence is presented to the President, the President will affirm, modify, or reverse the decision of the hearing officer. The President's decision will be set forth in a written report and the report will be mailed to the student at the student's last known address.

A student who wishes to appeal the decision of the President may petition the Board through the Board Clerk in writing and request a hearing on the specific issue. Such a petition must be filed within five (5) academic days of receiving notice of the decision. All decisions of the Board are final.

### **10:19 Restitution Fees and Charges**

The College President shall distribute a fee schedule approved by the Board to college personnel authorized to charge and collect certain fees.



## **10:20 Complaints and Grievances**

Each student, through parents or legal guardian, if under 18 years of age, has the right to file a grievance over an alleged violation of rights. No student shall be subject to reprisal or discrimination by reason of participation in a grievance procedure. Any suspension or expulsion shall not be subject to the grievance procedure.

The student should first attempt to resolve the issue with the party or parties involved. If the issue is not resolved at that time, the student will meet with the Vice President of Student and Instructional Services or Vice President of the Hays Campus within three (3) academic days of the original student conference. At that point, the parties involved will be informed that the grievance is under consideration and that all parties will meet with the Vice President of Student and Instructional Services or Vice President of the Hays Campus concerning the situation. All parties involved in the grievance will be informed of the decision of the Vice President of Student and Instructional Services or Vice President of the Hays Campus within two (2) days of hearing both sides. If an agreement cannot be reached, the student may, within three (3) academic days, submit a written grievance to the President or designee. The President or designee will render a decision on the grievance within five (5) academic days of its filing. A written notice of the decision will be mailed to the student or parent/guardian of the student.

If an agreement cannot be reached, the student and parent/guardian may petition the Board through the Board Clerk in writing and request a hearing on the specific issue. Such petition must be filed within five (5) academic days of receiving notice of the decision. All decisions of the Board are final.

## **10:21 Demonstrations and Strikes**

The College President shall establish rules for orderly demonstrations by student's subject to the following conditions: that there is no disruption of the operation of any class or college function; that the demonstration is peaceful; and the demonstration does not violate any state or federal law, any city ordinance or college regulation.

Any demonstration, which in the opinion of the College President, is in violation of federal or state law, city ordinance or college regulation, is disruptive of a class or college function, or is about to become so may be summarily terminated by the College President. Demonstrations on college property are a privilege and not a right. This privilege may be revoked at any time under the circumstances set forth above or under any other circumstances which the College President believes to be in the best interest of the institution or the safety and welfare of the students.

Strikes by students are prohibited. A strike shall mean the concerted effort by two (2) or more students to engage in any of the following activities: refusal to go to class, refusal to leave a class; refusal to obey an order of an instructor, department chair or other person having authority to give the order; and refusal to leave a building or to leave college property.

Strikes by students shall be reported immediately to the College President by the department chair, or (if the department chair is unable) by an instructor, custodian or any other college official who has knowledge of the strike.

The College President or designee may contact law enforcement when deemed necessary.

### **10:22 Measures to be Taken to Ensure Student Rights**

Students shall enjoy academic freedom. In the context of academic freedom, the constitutional rights of all persons shall be secure. The following measures shall be taken to ensure student rights:

1. Encourage student involvement in college activities through the student senate and the Intramural Committee.
2. Advise students of their rights concerning peaceful assembly both on campus and elsewhere.
3. Advise students of their responsibility to respect both public and private property and the consequences concerning abuse of it.
4. Encourage students to make suggestions concerning college improvement.
5. Encourage student involvement in recommending changes in policy.

### **10:23 Interrogations and Investigations Conducted on Campus**

A reasonable, cooperative effort shall be maintained between the College administration and law enforcement agencies. Law enforcement officials may be summoned in an investigation of alleged criminal conduct on the College premises or during a college-sponsored activity. They may also be summoned to maintain or restore order when the presence of the officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the presence and assistance of law enforcement officers is necessary. The College's administrators shall at all times act in a manner which protects the rights of students and shall cooperate with law enforcement officials. Law enforcement officers seeking to interrogate students or staff or otherwise conduct investigations on campus must report first to the College President or designee.

A student who has attained the age of 18 has the right to agree to submit to questioning without the agreement of parent, guardian, or representative.

The College President shall have the authority and duty to conduct investigations and to question students about infractions of college rules, whether or not the alleged conduct is a violation of criminal law. Any investigation shall be conducted in a manner, which minimizes interference with regular education and college activities.

The College President shall determine when law enforcement officers should be requested to investigate alleged criminal behavior on college property. He/she may request that law enforcement officers conduct an investigation and question students who are potential witnesses of alleged criminal behavior during regular hours.

Should the student not be 18 years of age or older, a reasonable attempt will be made to contact the students' parents, guardian, or representative prior to questioning by law enforcement officers.

Reasonable requests of the parents, guardian, or representative shall be observed. Notification or attempted notifications to parents, guardian, or representative shall be documented by the administrator involved. In the absence of a student's parents, guardian, or representative during any

questioning of the student, the College President or designee shall be present.

The College President shall require proper identification of law enforcement officials and the probable cause for the interrogation or investigation of a student. If the College President is not satisfied with either the identification or probable cause, the request shall be denied. The College President shall attempt to notify the officer's superior of the reasons for the denial of the request and shall document the attempt.

The law enforcement officers shall be required to obtain prior approval of the College President before beginning any interrogation or investigation on college property. The administrator shall document the circumstances as soon as possible.

In instances where college rules have allegedly been violated, the College President may notify the suspected rule violator(s). When suspension may be a consideration, the suspect student shall be advised orally or in writing of the nature of the alleged offense and of the evidence.

Probable witnesses should be told the nature of the alleged misconduct and the reason to believe that they were witnesses. The College President may have another adult present during questioning of students.

During an investigation of the violation of college rules, the College President shall attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants notification to law enforcement officials. The College President or designee may request to be allowed to sit in on the interrogation or interview.

Information of criminal conduct not related to the College shall be turned over to law enforcement officials, without additional investigation by college officials.

Following either interrogation or investigation, students shall not be released to law enforcement authorities voluntarily by college officials unless the student has been placed under arrest.

When an emergency exists, the College President may summon law enforcement officials to take a student into custody. Law enforcement officers may be requested to assist in controlling disturbances of the College environment.

When a student has been taken into custody or arrested on college property without prior notification of the College President, the staff present shall notify the College President of the circumstances as quickly as possible.

College administrators shall notify at least annually local law enforcement officials of the policy and rules regarding law enforcement contacts on college property. Law enforcement officials will be asked to inform their staffs of the terms of the College's policies and rules.

## **10:24 Student Organizations**

Students may form clubs and other groups organized to promote or pursue specialized activities outside the classroom. Membership must be open to all interested and eligible students. The administration and the Board shall approve student organizations and a faculty member shall attend the meetings or activities as a sponsor.

The administration shall establish regulations for the operation of college-sponsored clubs. Student clubs shall operate for the welfare and in the best interests of students. Clubs may not conduct their activities on college property without prior permission from the administration.

A Student Senate under the direct control of an administrator may be established. This organization may exercise only the authority expressly delegated to them by the administrator.

In instances where members of the student organization travel to off-campus activities or competitions, students must be in good standing with their academic program and with the College. Students who are on any type of disciplinary sanction will be ineligible to travel to off-campus activities or competitions to represent the College. Organization advisors are expected to verify with the Office of the Dean of Student Success about a student's ability to represent the College prior to the student participating in off-campus activities or competitions.

### **10:25 College Dismissal Procedure**

In the event of an emergency, such as a blizzard or any other event during the day, which interferes with the normal conduct of the College, classes will be dismissed only upon action of the College President or designated representative.

Classes will not be dismissed due to storms that arise during the day as long as it is feasible for students and faculty to remain in safety. If adverse weather conditions exist before classes begin, the department chairs will consult with the College President concerning dismissal.

Every student will be notified of these rules and regulations at the beginning of each academic year.

In the event of a bomb scare or similar emergency, the department chair may immediately vacate the building and conduct the students to a place of safety. The department chair shall then notify the police station, the county sheriff's office, or the Kansas Highway Patrol of the threat and request a thorough inspection of the buildings and grounds. If no threat is found to the safety of the students and if there is sufficient time remaining in the day to warrant continuation, classes may be resumed.

The NCK Tech Communication System will be used to inform all students, faculty, and staff of changes to the College schedule.

### **10:26 Emergency Drills**

Periodically, the College will conduct emergency drills that instruct students in the proper procedures to follow in case of a tornado alert, fire, or any other emergency. Such emergency drills shall also be conducted for students living in the residence halls.

Each department chair shall conduct briefings with the faculty concerning the crisis management plan. Each instructor will explain the crisis management plan to students under his/her jurisdiction at a time to be determined by the department chair.

Students living in the residence halls shall be informed of the crisis management plan at least once each semester by the Vice President of Student and Instructional Services or designee.

## **10:27 Student Accidents**

Accident and illness may occur in the classroom and on college grounds. All personnel shall follow first aid procedures and contact 911 if necessary.

The College may provide appropriate first aid and CPR training for identified personnel. This training may be provided as a part of the in-service plan or other program established by the Board.

The College encourages employees to administer first aid and CPR to students in case of an emergency. Employees should defer first aid treatment to the most qualified person on the scene.

First aid shall be limited to the applying of simple bandages or infection preventatives, CPR, and to any other justifiable emergency aid, such as stopping excessive bleeding, to prevent further injury, disability, or death. If anything beyond the application of simple bandages or infection preventatives is required, college staff will immediately request emergency medical assistance.

Neither diagnosis nor treatment except under emergency conditions, are within the responsibilities of college personnel.

Employees must submit an accident form following the incident to the Vice President of Student and Instructional Services/Vice President of the Hays campus.

## **10:28 Student Insurance**

Insurance may be provided by students or their parents through their personal insurance coverage. All heavy equipment operation and nursing students shall be covered by an adequate accident and hospitalization policy. All nursing students participating in clinicals must show evidence of liability insurance coverage.

## **10:29 Emergency Leave Policy**

Any student in good academic standing who voluntarily withdraws from all classes due to military service, medical condition or extenuating circumstances may return to NCK Tech without paying tuition and fees beyond the initial full tuition and fees cost for the semester in which they withdrew. In order to be eligible for the waiver of tuition and fees, the student must obtain approval from the College President at the time of withdrawal. Students are responsible for the cost of books, tools, etc. and the full tuition and fees for all subsequent semesters. If a student owes money to the College for returned funds for financial aid or third-party payments, due to emergency leave, the student can file an appeal. Supporting documentation from a healthcare provider, military supervisor or another authoritative source is required for an appeal. Without such documentation, the appeal will not be heard and will be returned to the student. A committee will review the student's appeal and provide a recommendation to the President, who will approve or reject the committee's recommendation.

## **10:30 Accommodation Policy for Students w/Disabilities**

NCK Tech is dedicated to providing equal access and opportunity to all campus programs and services for students with disabilities (both temporary and permanent) and is committed to providing reasonable accommodations in accordance with applicable state and federal laws. The College acknowledges that traditional methods of instruction or delivery of programs and services

are not always appropriate or sufficient to accommodate the limitations experienced by persons identified with disabilities. When a student's disability prevents him/her from fulfilling a course requirement through conventional procedures, consideration will be given to alternatives, keeping in mind that academic standards must be maintained and the safety of all persons considered.

### **Student Responsibilities**

Students requesting accommodations are responsible for self-disclosing disability and registering for services, providing appropriate documentation, communicating with the Director of Learning Services as part of the intake interview process to create an Education Accommodation Plan, and notifying instructors of approved accommodations, services and/or auxiliary aids.

Students are encouraged to make timely and appropriate disclosures and requests, at least two (2) weeks in advance of a course, program, or activity for which an accommodation is requested (or as soon as realistically possible). Accommodations will be provided on a case-by-case basis determined by student request, documentation, intake interview, and assessment of individual needs and course requirements.

If at any time throughout the academic year, a student feels that the agreed-upon accommodations are not being followed or that alternate accommodations need to be provided, the student should notify Student Accessibility Services (SAS). NCK Tech is committed to student success; however, we do not require students to use accommodations. The decision of when to utilize approved accommodations or services is up to the student. Integration, self-advocacy, and individual responsibility are promoted and expected.

### **Grievance Procedure**

Any student who believes he or she has been subjected to discrimination on the basis of disability or has been denied access or accommodations shall have the right to invoke the Grievance Procedure.

### **Confidentiality**

All information regarding a student's disability is confidential. All documentation will remain separate from academic records and will not be released to an individual or source external to NCK Tech without the student's written consent. In order to provide effective services, it may be necessary to communicate limited information on a need-to-know basis regarding disability-related needs to NCK Tech faculty and/or staff.

The Director of Learning Services serves as coordinator of accommodations for students with disabilities at NCK Tech. Any student who requires accommodations or would like more information regarding services should contact the Director of Learning Services at 1-785-738- 9020 or by mail at:

NCK Tech Student Success Center  
Attn: Director of Learning Services  
PO Box 507, 3033 US Hwy 24  
Beloit, KS 67420

### **10:31 Limited English Proficiency Policy (LEP)**

NCK Tech recognizes Limited English Proficiency (LEP) students as individuals who have difficulty speaking, reading, writing, or understanding the English language. NCK Tech has developed support services for enrolled students who meet conditions of LEP. A student may be eligible for these services by meeting one or more of the following conditions:

1. The student is not a native of the United States or has a native language other than English and comes from an environment where a language other than English is dominant.
2. The student comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.
3. The student is migratory and has a native language other than English and comes from an environment where a language other than English is dominant.
4. Designated programs may have English proficiency requirements.

### **10:32 Student Housing Policy**

Due to the limited amount of on-campus student housing available to students, and in keeping with NCK Tech's Drug-Free School Policy's prohibition of the possession or use of alcohol on campus, it is the policy of the College to limit its on-campus student housing opportunities to students who are under the age of 24. Housing is available on a first-come-first-serve basis; eligible students should apply as soon as possible.

A student who is 24 years of age or older may file a written request to live on campus to the Dean of Student Experience. The request must identify a hardship or other extraordinary circumstances as the basis for living in college-provided housing. The Dean of Student Experience, in his/her discretion, may grant or deny the request, and the decision will be based on the reason for the request, available space (if any), and any other issues deemed relevant. The Dean of Student Experiences' decision may be appealed under the NCK Tech Complaint and Grievance Policy

## **SECTION XI: GENERAL PUBLIC RELATIONS**

### **11:1 Public Information Program**

The Board accepts responsibility for keeping the general public informed about the College's function and operation. All decisions shall be made in public. Executive sessions will be held only for specific reasons, as provided by law. The College President is responsible for implementing the College's public information program.

### **11:2 Board-Community Relations**

The Board is committed to keeping the community informed about college functions and to solicit patron involvement in these functions.

### **11:3 Information Campaign**

The College President shall supervise all college information campaigns. The College President shall issue progress reports to the Board.

### **11:4 Media Relations**

The Board will attempt to cooperate with media representatives. News and information concerning college events and programs may be released to the press with the College President's approval.

Prior to release, the College President shall approve all other news releases prepared by college employees or students. All news conferences and interviews shall be scheduled so that they do not disrupt the College's regular educational activities. Upon request, the College President shall prepare copies of approved news releases for board members.

### **11:5 Interviews with Students**

Representatives of the news media seeking to interview a student during regular hours must first have the College President's approval.

### **11:6 College Events**

Working press members shall be admitted free of charge to all college activities if they present proper credentials. To the extent possible, space will be provided at all special events for members of the working press to cover college activities.

The College President is authorized to establish rules and regulations for broadcasting and taping college activities. Members of the media shall notify the College President prior to the event they wish to cover so that arrangements may be made for their equipment.

### **11:7 Visitors to the College**

The Board encourages patrons and parents to visit the College. Visits shall be scheduled through the College.

The administration has the authority to request aid from any law enforcement agency if any visitor



refuses to leave or creates a disturbance. Violation of this policy may lead to removal from the building or grounds and denial of further access. Violators of this board policy may also be subject to the state trespass law.

### **11:8 Visitors to College Dormitories**

Dormitories and dormitory parking lots are restricted areas. Anyone under 18 years of age, who is not an NCK Tech student will not be permitted into these areas without written permission from the dean of student experiences, Vice President of student and instructional services, or the College President. Violators will be asked for identification and requested to leave. Repeat violators will be charged with trespassing.

### **11:9 Free Materials Distribution at the College**

In accordance with rules adopted by the Board, the College President reserves the right to refuse distribution to students of any material by outside individuals or groups, which creates a material or substantial interference with normal college activity or appropriate discipline in the operation of the College.

#### **Materials Produced by Outside Groups-Including Religious Materials**

The College President may establish rules and regulations which control the time, place, and manner in which materials produced by outside groups/educational materials are displayed and disseminated in the buildings or on college property. No student shall be forced to participate in the distribution or receipt of any materials created by groups not affiliated with the College on college property.

#### **Political Campaign Materials**

No student shall be forced to participate in the distribution or receipt of any political materials.

#### **Advertising in College Buildings**

No advertising for commercial purposes shall be permitted in college buildings or on the grounds of the College without prior approval by the College President. Advertising in the student publications may promote products by brand name. Ads promoting the sale of any controlled substance, drug paraphernalia, or any other illegal material or activity are prohibited.

#### **Mailing Lists**

No mailing lists of students shall be given to individuals, organizations, or vendors for the purpose of distributing materials.

### **11:10 Use of Tools and Equipment by Non-College Individuals**

Except in the following cases and under these conditions, all college tools, equipment, and other materials are to be used only for college purposes by college personnel.

Instructional tools and equipment are available for use by educational organizations with which college personnel is affiliated when approved by the College President.

No instructional tools or equipment shall be taken from an area or used in the area without the

knowledge and consent of the instructor.

The College President, upon the advisement of the instructor from which the equipment is to be loaned, shall make the final decision.

No request for the use of school equipment shall be granted until the requestor executes a use agreement specifying such person will agree to pay the College fair market value for any equipment that has been lost, stolen, or has suffered irreparable damage while in the requestor's possession. For the purposes of this policy, "irreparable damage" shall include any damage severe enough that the cost to repair such equipment would be more than the fair market value of the equipment. If school equipment is returned damaged beyond normal wear and tear of acceptable use, the requestor shall be responsible for the cost to repair such equipment. The College may also require the purchase of insurance.

### **11:11 Gifts**

Persons or organizations desiring to make gifts to the College should contact the College President. All gifts or donations must be approved by the Board and, once accepted, shall be considered college property.

### **11:12 Complaints**

The Board encourages all complaints regarding the College to be resolved at the lowest possible administrative level.

Whenever a complaint is made directly to the Board as a whole or a board member as an individual, it shall be referred to the administration for study and possible action.

The College President shall report any unresolved complaint about policies to the Board at the next regularly scheduled board meeting.

Complaints regarding discrimination and harassment shall be made in accordance with the Discrimination and Other Complaints Policy set forth in section 6:5.

### **11:13 Unmanned Aircraft System Policy**

The operation of an unmanned aircraft system (UAS), a drone, is regulated by the Federal Aviation Administration (FAA). This policy extends to any and all property owned, rented, leased, and controlled by NCK Tech. All UAS operators must comply with all federal (FAA), state, and local laws and operate the UAS in a responsible manner. The operator must not photograph, video, or monitor areas where other members of the College community or members of the general public would have a reasonable expectation of privacy. Any violations of law (trespassing, illegal surveillance, reckless endangerment) or violations of college policies may subject the individual(s) to both criminal and/or disciplinary action. The UAS must have auto-land or return to home capabilities. The UAS must be electric plant-powered. The UAS cannot be designed to deploy/drop payload or other items. Damages/injuries occurring to college property or individuals will be the responsibility of the operator.

For educational use, promotional use, or official college business, the employee/contractor operating the UAS must have a Certificate of Authorization (COA) from the FAA on file with the College President. Any student operating a UAS for educational purposes must be under the direct supervision of an employee of NCK Tech with a COA. The UAS must be flown in a designated UAS area.

For non-educational use or recreational use, the UAS operator needs to file a Request to Operate an Unmanned Aircraft System (UAS) with the College President and receive approval from the President prior to the operation of the UAS. If the request to operate a UAS is approved, I agree to comply with the NCK Tech unmanned aircraft system policy, along with all federal (FAA), state, and local laws and to operate the UAS in a responsible manner.