Minutes of Teleconference Board Meeting  
The Board of Trustees  
Kilgore Junior College District  

A Teleconference Board Meeting of the Board of Trustees of the Kilgore Junior College District was held August 24, 2020, beginning at 6:30 PM with the following board members present:

Janice Bagley  
Joe Carrington, President  
David Castles  
Lon Ford, Secretary  
Jon Rowe  
Larry Woodfin, Vice President  

Members Absent: Cecelia Sanders  

Due to health and safety concerns related to the COVID-19 coronavirus, this meeting was conducted by teleconference. A quorum of the board participated by teleconference in accordance with the provisions of Sections 551.122 or 551.127 of the Texas Government Code that have not been suspended by order of the governor.

Members of the public had access to the meeting as follows: You can join the Zoom Meeting by clicking on link beginning at 6:00pm.

Topic: Kilgore College Teleconference Board Meeting  
Time: Aug 24, 2020 06:00 PM Central Time (US and Canada)  

Join Zoom Meeting  
https://zoom.us/j/93181040780?pwd=N1lJMjJjL2FCSlZuUUp6Uk4zaDI1dz09  

Meeting ID: 931 8104 0780  
Passcode: 167111  
One tap mobile  
+13462487799,,93181040780# US (Houston)  
+14086380968,,93181040780# US (San Jose)  

Dial by your location  
+1 346 248 7799 US (Houston)  
+1 408 638 0968 US (San Jose)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 312 626 6799 US (Chicago)  
+1 646 876 9923 US (New York)  
+1 301 715 8592 US (Germantown)  

Meeting ID: 931 8104 0780  
Find your local number: https://zoom.us/u/a1Gxen9ul  

Public comments related to this meeting were handled as follows: The presiding officer of the board admonished
all attendees to mute themselves until such time as public comment was requested. Individuals who desired to speak during the public comments section were informed that they had to identify themselves by name prior to speaking.

Members of the public who desired to address the board regarding an item on the agenda were advised that they must comply with the following registration procedures: All public comment participants must make themselves known, along with the subject and/or agenda item being addressed, through the teleconference before the start of the meeting.

The open portions of this meeting were recorded and made available to the public on the Kilgore College website.

The subjects discussed, or considered upon which any formal action could be taken are listed below. Note: Items do not have to be taken in the same order as shown on the meeting notice.

1. CALL TO ORDER
   A. Suspended Open Meetings Act Laws
      Presenter: Joe Carrington

   Joe Carrington called the meeting to order at 6:31pm and read the following:

   **Suspended Open Meetings Act Laws**
   *(Script to Be Read by the Board President Before the Teleconference Board Meeting)*

   On March 16, Gov. Greg Abbott granted a request by Attorney General Ken Paxton to temporarily suspend a limited number of open meetings laws to the extent necessary to allow telephonic or videoconference meetings in response to the Coronavirus (COVID-19).

   In accordance with those suspended rules, we certify the following: Notice of this meeting has been posted online for at least 72 hours prior to the meeting.

   1. Although members of the board are not gathered in a central, physical location, we do have a quorum in attendance at this meeting by teleconference.

   2. We are meeting by use of Zoom software application which allows two-way communication for members of the public.

   3. As we would at any in-person meeting members of the public who have followed the instructions on the meeting agenda for registering to speak during the public comment portion will be unmuted for 3 minutes to speak. If the speaker submitted written comments in advance, the board’s secretary will read the comments into record before or during the board’s consideration of that item.

   4. All other meeting procedures will adhere to board-appointed procedures to the extent practicable.

   5. An audio recording of this meeting is being made and will be available to the public at a later date.

   6. This software application allows for multiple people to interact at a time. We apologize in advance for any unforeseeable difficulties and ask for your patience as we navigate unprecedented conditions.

   7. If you have questions about these suspended laws, please call the Office of the Attorney General at 888-672-6787 or by email at TOMA@aol.texas.gov.
2. **PRESENTATIONS**  
   A. Swearing In of KC Board Of Trustee member, Travis Martin  
      Presenter: Lon Ford

Lon Ford, Secretary for the Board of Trustees, administered the Oath of Office to Travis Martin.

Travis Martin is now considered present at the board meeting.

Joe Carrington informed everyone that Mr. Martin must take some required training by the Texas Higher Education Coordinating Board (THECB) before he is eligible to vote.

3. **PUBLIC COMMENT**

KC Student, Caleb Kincaid, voiced concerns regarding the student help desk. He was asked to follow the board approved Student Complaint Policy & Procedures.

4. **CONSENT AGENDA**

A. To consider approving the minutes of the June 8, 2020 teleconference board meeting
B. To consider approval of personnel items submitted as follows:

1. **Recommendation to accept employee resignations as follows:**
   a. Biology Instructor, effective July 13, 2020 after four years and ten months of service  
   b. eLearning Student Support Coordinator, effective August 14, 2020 after two years of service (Title III Grant Funded)  
   c. Director of Adult Education & Literacy, effective August 31, 2020 after three years and three months of service  
   d. LVN Instructor, effective August 31, 2020 after two years and eleven months of service  
   e. Government Instructor, effective August 31, 2020 after ten years of service  
   f. Professional Support Assistant, Registrar, Records & Reports, effective October 16, 2020 after three years and one month of service  
   g. LVN Instructor, effective August 14, 2020 after three years of service

2. **Recommendation to accept employee retirement as follows:**
   a. Vocational Nursing Instructor, effective December 31, 2020 after seven years and four months of service  
   b. Dean of Business & Information Technology, effective September 30, 2020 after twenty-six years and eight months of service  
   c. Associate Degree Nursing Instructor, effective August 31, 2020 after eight years of service  
   d. HVAC Instructor, effective August 31, 2020 after fifteen years and two months of service  
   e. English Instructor, effective August 31, 2020 after twenty-nine years of service

3. **Recommendation to terminate employment as follows:**
   a. Assistant Fitness Center Manager, effective June 8, 2020

4. **Recommendation for non-renewal of employment contract as follows:**
   a. English Instructor, effective August 31, 2020

5. **Recommendation to change employment as follows:**
   a. Journalism Instructor and Flare Advisor to Coordinator of Marketing Operations and Outreach, effective September 1, 2020  
   b. Assistant Women’s Softball Coach to Kinesiology Instructor and Interim Women’s Head Softball Coach, effective September 1, 2020

6. **Recommendation of employment as follows:**
   a. Project Coach, Early Childhood, Arts & Mathematical Sciences, effective July 1, 2020 (Grant Funded)  
   b. Campus Life Specialist, Gussie Nell Davis/Rangerette Dorm, Student Development, effective July 1, 2020
c. Interim Kinesiology Instructor & Athletic Trainer, Science & Health Sciences, effective July 1, 2020
d. Interim Psychology Instructor, Arts & Mathematical Sciences, effective September 1, 2020
C. To consider payment of legal fees

Lon Ford made the motion to accept the Consent Agenda as presented. Janice Bagley seconded the motion. The motion passed unanimously.

**Personnel Agenda**

<table>
<thead>
<tr>
<th>Kilgore Junior College District</th>
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<tbody>
<tr>
<td><strong>Personnel Agenda</strong></td>
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<tr>
<td><strong>August 24, 2020</strong></td>
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1. **Recommendation to accept employee resignation as follows:**
   a. Ms. Jennifer Hudnall, Biology Instructor, effective July 13, 2020 after four years and 10 months of service
   b. Ms. Tracy Kaan, eLearning Student Support Coordinator, effective August 14, 2020 after two years of service
   c. Dr. Latasha Goodwyn, Director of Adult Education & Literacy, effective August 31, 2020 after three years and three months of service
   d. Ms. Tami Yates, LVN Instructor, effective August 31, 2020 after two years and eleven months of service
   e. Mr. John Raulston, Government Instructor, effective August 31, 2020 after ten years of service
   f. Ms. Lisa Bischof, Professional Support Assistant – Registrar – Records & Reports, effective October 16, 2020 after three years and one month of service
   g. Ms. Amy Collins, LVN Instructor, effective August 14, 2020 after three years of service

2. **Recommendation to accept employee retirement as follows:**
   a. Ms. Michaeelle Green, Vocational Nursing Instructor, effective December 31, 2020 after seven years and four months of service
   b. Mr. Richard Crutcher, Dean of Business & Information Technology, effective September 30, 2020 after twenty-six years and eight months of service
   c. Ms. Jackie Hobbs, Associate Degree Nursing Instructor, effective August 31, 2020 after eight years of service
   d. Mr. Tim Bright, HVAC Instructor, effective August 31, 2020 after fifteen years and two months of service
   e. Dr. Ingo Stoehr, English Instructor, effective August 31, 2020 after twenty-nine years of service

**Personnel Agenda cont. on next page**
Personnel Agenda cont.

3. Recommendation to accept employee termination as follows:
   a. Mr. Jamie Henson, Assistant Fitness Center Manager, effective June 8, 2020

4. Recommendation for non-renewal of employment contract as follows:
   a. Ms. Michelle Wilder, English Instructor effective August 31, 2020

5. Recommendation to change employment as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>PREVIOUS POSITION</th>
<th>NEW POSITION</th>
<th>NEW SALARY/RATE OF PAY</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms. Rachel Stallard</td>
<td>Journalism Instructor and Flare Advisor</td>
<td>Coordinator of Marketing Operations &amp; Outreach</td>
<td>$2,187.91/pay period 12 mo. equivalent = $47,510</td>
<td>September 1, 2020</td>
</tr>
<tr>
<td>Ms. Tricia Robinson</td>
<td>Assistant Women’s Softball Coach</td>
<td>Kinesiology Instructor &amp; Interim Women’s Head Softball Coach</td>
<td>$2,283.33/pay period 12 mo. equivalent = $54,800</td>
<td>September 1, 2020</td>
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6. Recommendation of employment as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Location</th>
<th>Salary/Rate of Pay</th>
<th>Hire Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms. Alana Bills</td>
<td>Project Coach- Early Childhood</td>
<td>Arts &amp; Mathematical Sciences</td>
<td>$1,994.17/pay period 12 mo. equivalent = $47,860 Grant Funded</td>
<td>July 1, 2020</td>
</tr>
<tr>
<td>Ms. Betty Longacre</td>
<td>Campus Life Specialist</td>
<td>Student Development</td>
<td>$1,482.00/pay period 12 mo. equivalent = $35,568</td>
<td>July 1, 2020</td>
</tr>
<tr>
<td>Ms. Danielle Schoenbacher</td>
<td>Interim Kinesiology Instructor &amp; Athletic Trainer</td>
<td>Science &amp; Health Sciences</td>
<td>$1,113.87/pay period 10.5 mo. equivalent = $26,733</td>
<td>July 1, 2020</td>
</tr>
<tr>
<td>Mr. Darrell Smith</td>
<td>Interim Psychology Instructor</td>
<td>Arts &amp; Mathematical Sciences</td>
<td>$1,712.50/pay period 9 mo. equivalent = $41,100</td>
<td>September 1, 2020</td>
</tr>
</tbody>
</table>
5. EXECUTIVE SESSION

The Board of Trustees did not go into Executive Session.

6. BOARD COMMITTEE REPORTS & ACTION ITEMS
   A. Investment/Finance/Audit Committee - Larry Woodfin, Chair
      1. INFORMATION ITEM: Financial Update

Larry Woodfin was available to answer any questions.

   2. ACTION ITEM: To consider granting the College President the authority to enter contract negotiations with Gan-Smith Insurance Agency, a vendor who responded to RFP 2020 BU012 Commercial Insurance Provider

Larry Woodfin made the motion to grant the College President the authority to enter contract negotiations with Gan-Smith Insurance Agency, a vendor who responded to rFP 2020 BU012 Commercial Insurance Provider. Because the motion came from a committee, a second was not required. The motion passed unanimously.

Recommendation for the selection of Gans-Smith Insurance Agency, Inc. as Kilgore College’s (KC) provider for Commercial Insurance.

Background

KC’s Office of Procurement Services issued a request for proposals (RFP) for commercial insurance provider. Two proposals were received. These two companies were Gans-Smith Insurance Agency, Inc. and Hibbs-Hallmark & company.

RFQ Review

A four-member review team evaluated the proposals for services (Dr. Staci Martin, Jeff Williams, Dawn Jones, and Tony Johnson). References were verified by Betsy Hansard. All proposal reviews were based upon the following criteria: service capabilities, financial ability/stability, cost of service, comprehensiveness of the proposal, and account management plan. A summary of these criteria follows:

Service Capabilities (maximum 25 points) – demonstration of competency and experience, demonstrates relevant experience with other Texas public entities, other relevant experience with clients other than Texas public entities which indicate the scope of services, experience and resources available from proposer with respect to the services sought.

Financial Ability/Chability (maximum 15 points) – financial strength of the proposer and/or proposed insurers, as applicable.

Cost of Services (maximum 35 points) – total evaluated costs of the proposed insurance coverages and/or services, as applicable.

Comprehensiveness of the proposal (maximum 20 points) – The College will consider one carrier who can provide all lines of coverage in a package format, or will consider various groups. Any pricing adjustments due to unbundling from package to monoline must be indicated in the initial process.

Account Management Plan (maximum 5 points) – Demonstrates a plan explaining how the proposer plans to manage this account and integrate its efforts with those of the College’s staff and work processes. Proposer’s plan to have one point of contact between proposer and College, along with a back-up. Proposer should demonstrate knowledge of unique liability limitations of Texas colleges.

Recommendation cont. on next page
Recommendation cont.

<table>
<thead>
<tr>
<th>Evaluator</th>
<th>Gans-Smith</th>
<th>Hibbs &amp; Hallmark</th>
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<tbody>
<tr>
<td>EVALUATOR 1</td>
<td>90</td>
<td>85</td>
</tr>
<tr>
<td>EVALUATOR 2</td>
<td>94</td>
<td>95</td>
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<tr>
<td>EVALUATOR 3</td>
<td>87</td>
<td>74</td>
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<tr>
<td>EVALUATOR 4</td>
<td>90.05</td>
<td>87</td>
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<tr>
<td><strong>Total:</strong></td>
<td><strong>361.05</strong></td>
<td><strong>341</strong></td>
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3. ACTION ITEM: To consider and set the tax rate for tax year 2020 (FY2021 budget)

Larry Woodfin made the motion to set the tax rate for tax year 2020 at .17500, which is below the New Revenue Tax Rate, formerly known as the Effective Rate, of .18119. Because the motion came from a committee, a second was not required. The motion passed unanimously.

B. Policy & Personnel Committee - Lon Ford, Chair
   1. ACTION ITEM: To consider approval of policies
      a. Americans with Disabilities Act: Employees & Job Applicants Policy
      b. Employee Nondiscrimination and Grievance Policy
      c. Protocol for Suspected/Confirmed Student/Visitor Cases of COVID-19 (update to previously approved policy)
      d. Student Nondiscrimination and Student Grievance Policy

Lon Ford made the motion to approve the above referenced policies. Because the motion came from a committee, a second was not required. The motion passed unanimously.

Americans with Disabilities Act: Employees & Job Applicants Policy on next page
Americans with Disabilities Act: Employees & Job Applicants Policy

Approved by and date:
Board of Trustees 08/24/2020
Executive Leadership Team 07/17/2020

Policy:
Kilgore College will reasonably accommodate all employees and job applicants, with known qualifying disabilities or impairments, as required by the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), where no undue hardship is imposed on the College.

Procedures:
Approved by and date:
Executive Leadership Team 07/17/2020

Full or part-time employees and job applicants are invited to advise the College of any disability-based limitations to enable the College to assist the employee and determine eligibility for reasonable accommodation(s). The College is under no obligation to provide reasonable accommodation(s) unless an individual properly identifies him/herself as a person with disability-based limitations requiring an accommodation and supplies the necessary documentation.

The College will determine, in consultation with the employee and, if necessary, his/her medical providers, what constitutes a reasonable accommodation. The College reserves the right to request additional medical examinations, evaluations, or other appropriate information at college expense, if necessary. Supervisors must contact the Human Resources Office for assistance in determining the needs of employees requesting accommodations.

Reasonable accommodation(s) will be granted, as determined by the College, unless any such accommodation(s) will cause an undue hardship for the College. In determining what constitutes a reasonable accommodation, or an undue hardship, the College’s decisions will conform to definitions and guidance provided by state and federal law.

The Human Resources Office is responsible for the management, implementation and coordination of this policy. Any and all accommodations sought pursuant to this policy must be approved by the director of human resources and the employee’s supervisors. All information relating to an accommodation request is considered confidential.

Processes and requirements related to this procedure are documented in Appendix A. Processes and requirements related specifically to COVID-19 accommodations are documented in Appendix B. Processes and requirements related specifically to service animals are documented in the Appendix C.
The College strictly prohibits discrimination and harassment against employees based on disability as defined by state and federal law. If an employee believes he or she has suffered discrimination and/or harassment based on disability, including the illegal denial of an accommodation, or retaliation for having requested an accommodation, the employee should immediately contact the Human Resources Office as provided by the Anti-Harassment & Complaint Policy.

Appendix A
Processes and Requirements

1. The employee notifies the Human Resources Office (HR) of his/her limitations and the need for a disability-based accommodation(s).
2. After notification, HR will provide the employee a packet of materials including an instructional cover letter, the Reasonable Accommodation Request Form, and the Reasonable Accommodation Medical Questionnaire to be completed in order to identify his/her limitations and the need for a disability-based accommodation. See Appendices D and E.
3. The completed Reasonable Accommodation Request Form and Reasonable Accommodation Medical Questionnaire must be returned to the director of human resources (director). Once the director is in possession of both forms, the director will schedule a meeting with the appropriate supervisory team. Faculty requests will be reviewed by the appropriate dean and the vice president of instruction, with the option to consult with the employee’s department chair as needed. Staff requests will be reviewed by the appropriate supervisor and vice president.
4. The purpose of this meeting is to review the Reasonable Accommodation Request Form, Reasonable Accommodation Medical Questionnaire, and employee job description that outlines essential functions. The supervisory team will utilize these documents to determine what, if any, reasonable accommodations are available for the individual.
5. Upon conclusion of these deliberations, the director will prepare either the Reasonable Accommodation Approval Form or Reasonable Accommodation Denial Form. See Appendices H and I. Consultation with the College attorney will be required in most cases.
6. Once the appropriate approval or denial form is completed, the director and the appropriate supervisory team will meet with the employee requesting the accommodation. This group will cover the prepared form with the employee and secure his/her signature as verification of the communication.
7. In compliance with applicable laws and regulations, all documents pertaining to a disability request are placed in a confidential file, separate from the employee’s personnel file, and may be opened only by the employee or an appropriate HR representative on a documented and approved “as needed” basis.
Americans with Disabilities Act: Employees & Job Applicants Policy cont.

Appendix B
Processes and Requirements-COVID-19 Specific

1. The employee notifies the Human Resources Office (HR) of his/her limitations and the need for a disability-based accommodation(s).
2. After notification, HR will provide the employee a packet of materials including an instructional cover letter, the COVID-19 Work Accommodation Request Form, and the COVID-19 Healthcare Verification Form to be completed in order to identify his/her limitations and the need for a disability-based accommodation. See Appendices F and G.
3. The completed COVID-19 Work Accommodation Request Form and the COVID-19 Healthcare Verification Form must be returned to the director of human resources (director). Once the director is in possession of both forms, the director will schedule a meeting with the appropriate supervisory team. Faculty requests will be reviewed by the appropriate dean and the vice president of instruction, with the option to consult with the employee’s department chair as needed. Staff requests will be reviewed by the appropriate supervisor and vice president.
4. The purpose of this meeting is to review the COVID-19 Work Accommodation Request Form, COVID-19 Healthcare Verification Form, and employee job description that outlines essential functions. The supervisory team will utilize these documents to determine what, if any, reasonable accommodations are available for the individual.
5. Upon conclusion of these deliberations, the director will prepare either the Reasonable Accommodation Approval Form or Reasonable Accommodation Denial Form. See Appendices H and I. Consultation with the College attorney will be required in most cases.
6. Once the appropriate approval or denial form is completed, the director and the appropriate supervisory team will meet with the employee requesting the accommodation. This group will cover the prepared form with the employee and secure his/her signature as verification of the communication.
7. In compliance with applicable laws and regulations, all documents pertaining to a disability request are placed in a confidential file, separate from the employee’s personnel file, and may be opened only by the employee or an appropriate HR representative on a documented and approved “as needed” basis.

Appendix C
Processes and Requirements-Service Animals

An employee requesting use of a service animal must provide documentation that establishes the employee has an impairment that warrants the use of a service animal as defined below. Service animals are subject to local animal licensing and registration requirements and must be current on the appropriate vaccination series for the type of animal. Human Resources will notify KCPD when accommodations are granted for a service animal.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
The College will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. Other requirements which apply to service animals shall also apply to miniature horses. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the College will consider:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Kilgore College permits service animals to accompany employees with disabilities in all areas where non-disabled employees would ordinarily have access. A person who uses a service animal is responsible for any damages caused by the animal. A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual’s disability prevents using these devices or these devices interfere with the service animal’s safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

An employee cannot be asked to remove his or her service animal from College property unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken.

Other employees or students of the College with medical condition(s) that are affected by animals including, but not limited to, respiratory diseases, asthma, or severe allergies should contact the Human Resources Office if they have a concern about exposure to a service animal. The employee or student will be asked to provide medical documentation that identifies the condition(s), and will allow determination to be made as to whether an accommodation is necessary. When a person who has a medical condition that is affected by animals and an employee who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
Appendix D: REASONABLE ACCOMMODATION REQUEST FORM

Employee Name: ______________________ Supervisor Name: ______________________

A. Questions to clarify accommodation requested.

Identify the physical and/or mental impairment for which you are requesting an accommodation, including the date of the diagnosis and expected duration of the impairment.

What specific accommodation(s) are you requesting? (Please be as specific as possible.)

How long will you need the accommodation requested?

If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? Yes • No •

If yes, please explain.

B. Questions to document the reason for accommodation request.

What, if any, essential job function are you having difficulty performing?

What, if any, employment benefit are you having difficulty accessing?

What limitation is interfering with your ability to perform your job or access an employment benefit?

Have you had any accommodations in the past for this same limitation? Yes • No •

If yes, what were they and how effective were they?

If you are requesting a specific accommodation, how will that accommodation assist you?

C. Other.

Please provide any additional information that might be useful in processing your accommodation request:

Signature of Employee    Date

Return this form to Human Resources.

Americans with Disabilities Act: Employees & Job Applicants Policy cont. on next page
Appendix E: REASONABLE ACCOMMODATION MEDICAL QUESTIONNAIRE

EMPLOYEE/PATIENT'S NAME: ____________________________
EMPLOYEE/PATIENT'S WORK SCHEDULE: ____________________________

Dear Medical Professional,

A request for a reasonable accommodation has been made by our employee, who is listed above. In order to assist with the interactive process, we are requesting you to provide feedback to the following questions based on your medical expertise. Please be as specific as possible.

Background

An employee has a disability if he or she has an impairment that substantially limits one or more major life activities or a record of such an impairment. "Substantially limits" under the ADAAA has been broadened to allow someone with an impairment to be "regarded as" having a disability, even without the perception that the impairment limits a major life activity, provided that the impairment does not have an actual or expected duration less than or equal to six months.

The ADAAA provides examples of "major life activities," including "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, such as functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions."

Please answer these questions to help determine disability and reasonable accommodation.

1) Does the employee have a physical or mental impairment?

If yes, what is the impairment?

Please indicate date impairment commenced.

Please indicate if impairment comes and goes or is episodic in nature, and, if so, for what period of time do symptoms occur?

2) What limitation(s) is interfering with the employee's job performance, and how does it interfere with the employee's ability to perform the essential job function(s)?
Americans with Disabilities Act: Employees & Job Applicants Policy cont.

3) Is a major life activity substantially limited by this impairment?

   If yes, what activity is substantially limited?

4) What adjustments to the work environment or position responsibilities would enable the employee to perform the essential functions of that position?

5) The employee's typical schedule is listed on the first page. What, if any, adjustments need to be made to the employee's work schedule to enable the employee to perform the essential functions of that position?

6) How would your suggestions improve the employee's job performance?

7) Please review the attached job description. (If no job description is attached, please discuss the position with the employee to determine essential job duties.) Is the employee able to perform the essential job functions of this position with or without reasonable accommodation?

   Yes/No

   If yes, please continue to next question.

   If no, how long will the employee be unable to perform these job duties?

   _____ # of weeks   _____ # of months   _____ permanently
8) How long will the employee need the reasonable accommodation? If unable to provide date, when will he or she be medically reevaluated?

By signing below, I certify that the patient named herein is my patient and the information provided herein is based on my knowledge of his/her physical or mental impairment.

Medical Professional Name (Please Print): ____________________________________________
Type of Practice/Specialty: ____________________________
Address: ____________________________
Phone: ____________________________
Fax: ____________________________

Signature of Medical Professional completing form Date

ONCE COMPLETE PLEASE RETURN THIS DOCUMENT TO YOUR PATIENT OR FAX IT TO THE KC HUMAN RESOURCES DEPARTMENT AT (903) 983-8609.

Appendix F: COVID-19 Work Accommodation Request

Employees at higher risk of severe illness from COVID-19 may request a temporary accommodation due to the potential threat of exposure to COVID-19 in the workplace. Generally, only those underlying conditions identified by the Centers for Disease Control (“CDC”) as conditions which put people at increased risk will be considered. Conditions listed by the CDC as “possibly” causing an increased risk will generally not be considered. This request must be submitted to Human Resources. In any instance where a temporary accommodation is granted, the employee must be able to perform the essential functions of their job, and the request must not impose an undue hardship on the institution or the department.

Based on the request and supporting documentation, Human Resources will work with the employee and/or supervisor to determine if there is an effective temporary work accommodation that will allow the employee to perform his/her job duties.

Any accommodation that is approved shall be approved on a temporary basis only and shall last only as long as a public health disaster shall exist, or until the College, in its discretion, determines that the accommodation will be removed. The allowance of a temporary work accommodation due to pandemic does not alter the essential functions of the employee’s job, and is not an admission or agreement that the accommodation granted is a feasible accommodation outside of this particular pandemic circumstance.
Americans with Disabilities Act: Employees & Job Applicants Policy cont.

Employee Name: ___________________________  Employee Title: ___________________________
Supervisor Name: ___________________________  Department: ___________________________
Requested Start Date: ________________________  Requested End Date: _____________________

I am requesting an accommodation because (please select one):

☐ I am an employee who has a disability and exposure to COVID-19 puts me at a greater health risk.  
   Documentation from a healthcare provider is required to verify that this accommodation request is necessary.

☐ I am an employee who has an underlying health condition and exposure to COVID-19 would put me at a greater health risk.  
   Documentation from a healthcare provider is required to verify that this accommodation request is necessary.

☐ I am requesting a work accommodation based on a reason that is not presented above. State reason here:

I attest that the above information is accurate and complete to the best of my knowledge. I understand that falsification of any information provided on this document and/or any of its supporting documentation may lead to disciplinary action. Further, I understand that submission of this request, does not take the place of an approval. Human Resources will review the request and provide a response within a reasonably prompt time.

_________________________________________  ___________________________
Employee Signature                      Date

Appendix G: COVID-19 Healthcare Verification Form

Employee Name: ___________________________

The above-mentioned individual is a Kilgore College employee who has requested workplace modifications on the basis of an underlying medical condition that could be affected by COVID-19. In order to determine whether the employee qualifies for services, we ask that you as their healthcare provider please provide the following information. Once completed, please return the completed form to your patient and/or Kilgore College Human Resources Office (contact information below).

1. Please identify which of the following conditions the individual has been diagnosed with:

☐ Cancer
☐ Chronic Kidney Disease
☐ COPD (chronic obstructive pulmonary disease)
☐ Immunocompromised state (weakened immune system) from solid organ transplant
☐ Obesity (body mass index [BMI] of 30 or higher)
☐ Serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies

Americans with Disabilities Act: Employees & Job Applicants Policy cont. on next page
Americans with Disabilities Act: Employees & Job Applicants Policy cont.

☐ Sickle cell disease
☐ Type 2 diabetes mellitus

2. Date of last medical evaluation of this individual:

________________________________________
Month/Day/Year

3. Please describe the Employee’s current functional limitations due to the condition indicated in Question 1 and the risks COVID-19 would have on the employee in the workplace environment.

4. If available, please attach copies of any relevant medical records to this form.

Certifying Professional – By signing below (print/type), you are confirming that you are a qualified healthcare professional who is treating the employee named herein and you are personally providing the information above.

Name: ________________________________ License #: ______________________
Address: ______________________________ Phone: ______________________________

________________________________________
Signature: ______________________________ Date: __________________________

Please return this form to your patient/the employee and/or submit to Kilgore College Human Resources Office
Fax: (903) 983-8609 or Email: humanresources@kilgore.edu

If you have any questions regarding your patient’s request, feel free to contact Kilgore College Human Resources Office at (903) 983-8102.
### Appendix H: REASONABLE ACCOMMODATION APPROVAL FORM

<table>
<thead>
<tr>
<th>Employee Name:</th>
<th>Date of Approval:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation(s) Approved:</td>
<td></td>
</tr>
</tbody>
</table>

#### STEPS NEEDED TO IMPLEMENT

<table>
<thead>
<tr>
<th>Does equipment need to be ordered or a service purchased?</th>
<th>Yes ☐</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, who will do it?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will training be required?</th>
<th>Yes ☐</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, who will do the training?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Who needs to be notified of the accommodation? | |
| What other steps need to be taken? | |

#### TIMEFRAMES

<table>
<thead>
<tr>
<th>When will the accommodation be fully implemented?</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>If maintenance is needed, when will it be done?</td>
<td>Date:</td>
</tr>
<tr>
<td>Is the accommodation being provided on a trial basis?</td>
<td>Yes ☐</td>
</tr>
<tr>
<td>If yes, when will the trial period end?</td>
<td>Date:</td>
</tr>
</tbody>
</table>

Comments: |

#### SIGNATURES

<table>
<thead>
<tr>
<th>Representative of KC:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
### Appendix I: REASONABLE ACCOMMODATION DENIAL FORM

<table>
<thead>
<tr>
<th>Employee Name:</th>
<th>Date of Denial:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation(s) Denied:</td>
<td></td>
</tr>
</tbody>
</table>

#### REASON(S) FOR DENIAL (may check more than one box)

- [ ] Accommodation Ineffective or Unreasonable
- [ ] Accommodation Would Cause Undue Hardship
- [ ] Medical Documentation Inadequate or Missing
- [ ] Accommodation Would Require Removal of an Essential Function
- [ ] Accommodation Would Require Lowering of Performance or Production Standard
- [ ] Employee does not have a Qualifying Disability
- [ ] Other:

#### DETAILED REASON(S) FOR THE DENIAL OF ACCOMMODATION

<table>
<thead>
<tr>
<th>NEXT STEPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Provide Additional Information</td>
</tr>
<tr>
<td>[ ] Meet to Discuss Other Accommodation Options</td>
</tr>
<tr>
<td>[ ] Explore Reassignment</td>
</tr>
<tr>
<td>[ ] Terminate Employment</td>
</tr>
<tr>
<td>[ ] Other:</td>
</tr>
</tbody>
</table>

#### COMMENTS

#### SIGNATURES

<table>
<thead>
<tr>
<th>Representative of KC:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
Employee Nondiscrimination and Grievance Policy

KILGORE COLLEGE

Employee Nondiscrimination and Grievance Policy

Approved by and date:
Board of Trustees 08/24/2020
Executive Leadership Team 08/14/2020

Policy:

Kilgore College prohibits discrimination, including harassment, against any employee on the basis of sex, race, color, religion, age, national origin, disability, veteran’s status, genetic information, gender identity, sexual orientation, or any other characteristic protected by institutional policy or local, state, or federal law. The institution is committed to promptly responding to and resolving concerns involving allegations of illegal discrimination, including illegal harassment, in violation of local, state and/or federal civil rights laws and/or regulations.

Procedures:

Approved by and date:
Executive Leadership Team 08/14/2020

To ensure that the process for considering employee grievances is well publicized, reasonable, and fairly administered, the Kilgore College Title IX Coordinator will coordinate the employee grievance process for the entire institution. Victims of sexual harassment, sexual assault, dating or domestic violence, or stalking have the right to report the incident to the institution and to receive a prompt and equitable resolution of the report.

Definitions

1. Discrimination: Discrimination against an employee is defined as conduct directed at an employee on the basis of sex or gender, including gender identity and gender expression, that adversely affects the employee’s employment.

2. Sexual Harassment: Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:
   a. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
   b. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment

   Sexual harassment also includes sexual assault, dating violence, domestic violence, and stalking.

In order to constitute sexual harassment under this policy, the alleged conduct must occur within the College's own educational program or activity and it must occur within the United States.
3. Sexual assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program:
   a. Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
   b. Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
   c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
   d. Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.

4. Dating violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
   a. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
   b. For the purposes of this definition—
      i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
      ii. Dating violence does not include acts covered under the definition of domestic violence.

5. Domestic violence: violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or by any other person against the victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the conduct occurs.

6. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:
   a. Course of conduct: two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
   b. Reasonable person: a reasonable person under similar circumstances and with similar identities to the victim.
   c. Substantial emotional distress: significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

7. A formal complaint is a document signed by a Complainant or the Title IX Coordinator that alleges sexual harassment against a Respondent that occurred within the College's educational program or activity within the United States and requests an initiation of an investigation.
8. Actual knowledge as used herein means that the Title IX Coordinator or an official with the College with the authority to take corrective measures has actual knowledge of a complaint of sexual harassment.

9. Complainant: An individual alleged to be the victim of sexually harassing conduct.

10. Respondent: Individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. The Respondent is presumed not responsible; the determination of responsibility is made at the conclusion of the grievance process.

11. Days: As used herein, days means business days when the College is open.

12. Confidential Employee: A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

13. Educational Program or Activity: Includes locations and events over which the College exercises substantial control over both the Respondent and the context where the sexual harassment occurred whether on or off campus. It also includes any building owned or controlled by a student organization that is officially recognized by the College.

Medical Treatment and Preservation of Evidence

Victims of sexual harassment, sexual assault, domestic violence, dating violence, or stalking are strongly encouraged to go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Grievances Concerning Discrimination and/or Harassment

The College does not permit discrimination or harassment in its employment, programs and activities on the basis of sex, race, color, religion, age, national origin, disability, veteran’s status, gender identity, sexual orientation, or genetic information or any other characteristic protected by institutional policy or local, state, or federal law. Employees who believe they have been subjected to discrimination or harassment in violation of this policy should follow the procedures outlined herein to report those concerns.

How to File a Grievance

Employees or any other persons who wish to report a concern or file a grievance relating to Discrimination or Sexual Harassment may do so by reporting the concern to the Title IX Coordinator. The Title IX Coordinator designated by the College is:

Bindy Tice
Kilgore College
1100 Broadway Blvd.
Kilgore, TX 75662
(903) 988-7590
btice@kilgore.edu
Employee Nondiscrimination and Grievance Policy cont.

In addition, the College provides an electronic reporting form on its website (https://www.kilgore.edu/about/institutional-information/title-ix). This link is displayed as “Title IX” on the Kilgore College Homepage (www.kilgore.edu) at the bottom of the screen under the Helpful Links section. Individuals filing an electronic report of discrimination and/or harassment may choose to remain anonymous.

Individuals with grievances of discrimination also always have the right to file a formal grievance with the United States Department Education:

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

Victims of a crime have the right to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime, or to decline to report the crime to law enforcement.

Employee Reporting Requirements

All College employees must promptly report to the institution’s Title IX Coordinator:

- Observations witnessed or information received while in the course and scope of their employment;
- That the employee reasonably believes constitutes an incident of sexual harassment, sexual assault, dating violence, or stalking;
- Committed by or against
  o A student who was enrolled at the institution at the time of the incident
  o An employee employed by the institution at the time of the incident;
- Regardless of when or where the incident occurred.

An employee who fails to make a required report shall be subject to appropriate disciplinary action, including termination. Employees who hear about an incident at an awareness event; employees who themselves are victims of sexual harassment, sexual assault, dating violence, or stalking; and employees, such as counselors and health care providers, who are subject to legal confidentiality requirements are exempt from this requirement.

All employees (other than Confidential Employees) are designated as responsible employees for purposes of complying with Title IX.

Overview of the Grievance Process

The College is only required to investigate a formal complaint, as defined herein. If the requirements of a formal complaint are not met, the complaint will be dismissed. If the College has actual knowledge of multiple Complainants regarding the conduct of the same person that constitutes sexual harassment under this policy, then the Title IX Coordinator must file a formal complaint. If there is no formal complaint, the College must still implement support measures designed to restore or preserve access to its educational programs or activities, protect the safety of the employee, and/or deter sexual harassment when necessary, and must also give written notice to the Complainant stating that he/she can file a formal complaint at a later time. It is generally up to the alleged victim whether to file a formal complaint, and the College will respect those wishes in most circumstances.
Employee Nondiscrimination and Grievance Policy cont.

If there is a formal complaint, then the College will initiate an initial assessment to determine whether the allegations, if proven, would violate this policy. If so, the College will initiate a reasonably prompt, thorough, and impartial investigation, or facilitate an informal resolution. This investigation is designed to provide a fair and reliable determination about whether the College’s nondiscrimination policy has been violated. If so, the College will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence, and address its effects.

Extension of Timelines

Timelines established by this policy and associated procedures may be subject to a limited extension if good cause exists. The College shall promptly provide written notice to the parties of an extension and the reason for the extension.

Informal Resolution

Informal resolution is optional and may be used at any point after a formal complaint is filed if the College determines that it is appropriate under the circumstances, and both parties voluntarily agree to same and consent in writing. A College representative will facilitate the process. Consent to informal resolution may be withdrawn at any time before formal resolution.

Filing a Grievance

The Title IX Coordinator is designated to formally coordinate and oversee the employee grievance process, address inquiries, and coordinate the College’s compliance efforts regarding employee grievances.

Reports of prohibited conduct should be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College’s ability to investigate and address the prohibited conduct.

Confidentiality

The identity of a victim, Complainant, person who participates in an investigation, or Respondent if, after the investigation is complete, the College determines that the Complaint is unsubstantiated or without merit, is confidential. However, the identities of the persons listed in the preceding sentence may be disclosed as necessary to carry out the Title IX investigation and may specifically be disclosed to: employees or contractors of the College on a need-to-know basis, law enforcement, healthcare providers, Respondent and potential witnesses.

Requested Contents of a Formal Complaint

The Complainant should clearly and concisely describe the incident(s), when and where it occurred, and the desired remedy sought. The complaint should be signed by the Complainant or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the Complainant and signed electronically. Any supporting documentation and evidence should be referenced within the body of the formal complaint. The complaint should also specifically request initiation of the grievance procedure.

Consolidate Reports

When the allegations underlying two or more reports arise out of the same facts or circumstances, the College may consolidate the reports.
### Advisor

Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College procedures.

### Conflict of Interest Prohibited

No person designated as the Title IX Coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.

### Training

A person designated as the Title IX Coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College procedures.

### Interim Action and Resources

If appropriate, and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College may, at the College's discretion, promptly take interim action calculated to address prohibited conduct prior to the completion of the investigation. Examples of possible interim actions include counseling, modifications of work schedules, campus escort services, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.

To the greatest extent practicable based on the number of counselors employed, the College will ensure each Complainant, Respondent, and reporters of such incidents has access to counseling provided by a counselor who is not providing counseling to others involved in the incident.

### Investigation Process and Protocols

While an alleged victim may request that the institution not investigate the reported incident; the Title IX Coordinator will choose whether or not to honor the request not to investigate after considering:

- Seriousness of the allegation
- Existence of other reports
- Risk of harm to others
- Any other relevant factors

The Title IX Coordinator will inform the alleged victim of the decision. Should the Coordinator honor the alleged victim's request not to investigate, the College will take the reasonable steps it determines are necessary, consistent with the law and institutional policy, to protect the health and safety of the community in relation to the alleged incident.

Should the investigation proceed, the Title IX Coordinator shall immediately provide notice to the parties (as described below). The Title IX Coordinator will make a good faith effort to conduct a fair and impartial review and/or resolve the grievance in a reasonably prompt and timely manner. All persons investigating such grievances will be impartial and free of any conflict of interest or bias in the outcome.
Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the Respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College shall provide an updated notice reflecting the new allegations.

College Investigation

The investigation may be conducted by the Title IX Coordinator or by a third party designated by the College, such as an attorney.

The investigation may consist of personal interviews with the Complainant, the Respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College must send each party and the party’s advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Criminal or Regulatory Investigation

If a law enforcement or regulatory agency notifies the College that a criminal or regulatory investigation has been initiated, the College shall confer with the agency to determine if the College’s investigation would impede the criminal or regulatory investigation. The College shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.

Administrative Leave

An employee may be placed on administrative leave in accordance with the College’s policies pending the conclusion of the grievance process.
Employee Nondiscrimination and Grievance Policy cont.

**Concluding the Investigation**

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX Coordinator within five (5) days following the completion of the investigation.

**Unfounded Allegations**

If the results of an investigation indicate that no prohibited conduct occurred, the allegations shall be dismissed as unfounded. The College shall provide written notice of the dismissal and that shall be the official outcome, unless the decision is appealed.

**Notification of the Investigation Report**

The Title IX Coordinator shall provide the investigation report, within the extent permitted by law, to the Complainant and the Respondent promptly following receipt. The parties shall be given ten days to respond to the report.

If the Respondent accepts the finding and any sanctions by signing a written waiver of a hearing, then no hearing shall be held, and no appeal shall be available. If the Respondent rejects the finding or sanctions, a hearing shall be held to determine responsibility.

**College Action**

The Title IX Coordinator shall submit the investigation report and any response from the parties to the Title IX hearing panel promptly after receipt of the parties’ response but no later than the expiration of the parties’ deadline to respond.

The Title IX hearing panel shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing shall be conducted in accordance with law and College procedures as set forth herein.

After the hearing, the Title IX hearing panel shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the Title IX hearing panel shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person’s status as the Complainant, the Respondent, or a witness. The Title IX hearing panel shall create a written determination regarding responsibility in accordance with law and College procedures within five (5) days following the hearing and submit the determination to the parties simultaneously.

**Disciplinary or Corrective Action**

If the Title IX hearing panel determines that prohibited conduct occurred, the College shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.
Employee Nondiscrimination and Grievance Policy cont.

Improper Conduct

If the Title IX hearing panel determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College may take disciplinary action in accordance with College policy and procedures or other corrective action reasonably calculated to address the conduct.

Dismissal of Complaint

1. Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

2. Permissive Dismissal

Any complaint may be dismissed at any time on request of a Complainant. The Title IX Coordinator must first assess the request in accordance with this policy.

A complaint may also be dismissed if specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the complaint or allegations.

A complaint may be dismissed if the Respondent is no longer employed by the College.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX Coordinator or the Title IX hearing panel shall provide the parties written notice of the dismissal.

Live Hearing Procedures

The College will provide equal opportunity to both sides to present evidence and witnesses, and will provide equal access to any such evidence. Failure of Complainant to appear will result in dismissal of the complaint. Dismissal does not apply in instances where the Title IX Coordinator filed the formal complaint. Reasonable time limits shall be imposed by the College.

The decision maker at the live hearing will be a panel of three (3) comprised of College employees from a standing committee. The panel will make relevance determinations during cross-examination. Cross-examination is allowed but must be conducted by a third-party advisor or representative; it may not be conducted by the Respondent or Complainant. If a party refuses to be cross-examined, the panel cannot infer guilt, but also cannot rely upon that party's statements. As a general rule, no questions regarding the Complainant's sexual history will be allowed. A preponderance of the evidence burden of proof will apply, and the Respondent will be presumed innocent. Expert witnesses are allowed. The written investigation report will be provided to the hearing panel. The Title IX Coordinator and/or investigator may provide evidence, testimony or clarify any aspect of the written report to the panel at the live hearing. Upon request by either party, the parties will be put in separate rooms for the hearing with technology available to hear the other side.

The panel shall announce its decision in writing simultaneously to both sides and such determination shall explain the rationale for the decision and assign sanctions, if any. This decision shall be reduced to writing within five (5) days of the hearing and provided to both parties simultaneously.
Employee Nondiscrimination and Grievance Policy cont.

**Sanctions**

Possible sanctions for employees include, but are not limited to:

1. **Disciplinary:** Implementing any disciplinary measure allowed under College policy, up to and including termination of employment.
2. **Training:** Providing a training and/or education program and/or requiring participation in same.
3. **Reassignment:** Reassignment or change of jobs/job duties, offices or any other work details.
4. **Criminal Trespass Warning:** If appropriate, employees may be prohibited from entering any KC campus or property.
5. **Other:** Other sanctions or actions described in or allowed by College's policies may be imposed instead of, or in addition to, those specified here. Sanctions may include remedial measures.
6. **Multiple Sanctions:** More than one of the sanctions listed above may be imposed for any single violation.

**Appeals**

Either the Complainant or Respondent may appeal a determination of responsibility or dismissal of a formal complaint or individual allegations on the following bases, if those bases affected or could affect the outcome:

1. a procedural irregularity that affects the outcome;
2. new evidence not reasonably available at the time of the determination regarding responsibility or dismissal; and
3. a conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision maker against a party.

**Prohibition of Retaliation**

Retaliation for reporting in good faith prohibited conduct or cooperating with an investigation or disciplinary process related to this policy is prohibited. Retaliation includes adverse action taken against a person for making a good faith complaint or report of prohibited conduct or participating in any proceeding under this policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces, or in any other way seeks to discourage a reasonable person from engaging in activity protected under this policy. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of prohibited conduct.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting prohibited conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.
Protocol for Suspected/Confirmed Student/Visitor Cases of COVID-19

Policy:
Kilgore College values the health and safety of students, employees, and visitors to its campuses and facilities. As such, the College requires that students or visitors who have signs or symptoms of COVID-19 or who have been diagnosed with COVID-19 must not visit any KC campus, facility, or other location at which instruction is delivered.

Students/visitors who have had close contact with a person diagnosed with COVID-19 must not visit any KC campus, facility, or other location at which instruction is delivered. Students who are in health sciences programs and are learning in a clinical setting will follow CDC guidance to healthcare professionals on exposure levels.

Procedures:

Students and visitors will be encouraged through social media, email, posters, etc. to self-monitor for any symptoms of COVID-19 according to current CDC guidelines published at [https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html)

It is the responsibility of the student/visitor to follow-up with the individual’s physician/healthcare provider if needed and to abide by the provider’s directive of when it is safe for the student/visitor to return to a KC campus, facility, or other instructional site. Students must also follow any program-specific procedures for returning to campus (e.g., Housing procedures, Nursing procedures, etc.).

If a student or visitor is diagnosed with COVID-19, it is the responsibility of the student/visitor to notify the College by contacting the Office of the Executive Vice President/Chief Student Affairs Officer at (903) 983-8189. Employees who become aware of a confirmed student/visitor case of COVID-19 should immediately notify the Office of the Executive Vice President/Chief Student Affairs Officer. That office will then initiate contact tracing.

The following steps will be followed as appropriate based on the results of contact tracing:
1. The Office of the Executive Vice President/Chief Student Affairs Officer will contact the College's facilities contractor to initiate actions outlined in the "Infectious Disease Facility Protocol Policy."
2. The Office of the Executive Vice President/Chief Student Affairs Officer will notify the director of human resources, who will contact and advise any employees identified as having interaction with the student/visitor.
3. If the confirmed case involves a student participating in face-to-face classes on campus, the Office of the Executive Vice President/Chief Student Affairs Officer will notify, the vice president of instruction and the appropriate dean(s). The vice president of instruction and dean(s) will determine any appropriate changes in instruction based upon the level of exposure of others to the infected student.

4. If the confirmed case involves a student participating in clinicals, the department leader will notify the appropriate personnel at the clinical site.

5. If the confirmed case involves a student participating in an internship or co-op, the teacher of record for the internship/co-op will notify the student’s supervisor at the internship/co-op site.

6. The appropriate dean’s office will notify affected students and will explain any changes in instruction and whether students will be required to self-quarantine. The notification methods will be as follows:
   - Initial notification via phone call
   - Follow up by KC email if phone call is unsuccessful
   - Ongoing communication on next steps provided through KC email or Remind app, if available.

Students/visitors diagnosed with COVID-19 must meet the following criteria to be able to return to a KC campus, facility, or other instructional site:

- At least 10 days have passed since symptom onset; and
- At least 3 days (72 hours) have passed since resolution of fever without the use of fever-reducing medications (this period can be within the 10 days in the bullet above), and
- Other symptoms have improved.

Students who are in health sciences programs and are learning in a clinical setting may be required to meet different criteria before being allowed to return to the clinical site. Students/visitors must communicate with the Office of the Executive Vice President/Chief Student Affairs Officer to seek permission to return after recovery from COVID-19.
Student Nondiscrimination and Student Grievance Policy

Approved by and date:
Board of Trustees 08/24/2020
Executive Leadership Team 11/16/2017

Policy:

Kilgore College prohibits discrimination, including harassment, against any student on the basis of sex, race, color, religion, age, national origin, disability, veteran’s status, genetic information, gender identity, sexual orientation, or any other characteristic protected by institutional policy or local, state, or federal law. The institution is committed to promptly responding to and resolving concerns involving allegations of illegal discrimination, including illegal harassment, in violation of local, state and/or federal civil rights laws and/or regulations.

Procedures:

Approved by and date:
Executive Leadership Team 08/12/2020

To ensure that the process for considering student grievances is well publicized, reasonable, and fairly administered, the Kilgore College Title IX Coordinator will coordinate the student grievance process for the entire institution. Victims of sexual harassment, sexual assault, dating or domestic violence, or stalking have the right to report the incident to the institution and to receive a prompt and equitable resolution of the report.

Definitions

1. Discrimination: Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual’s actual or perceived sex, race, color, religion, age, national origin, disability, veteran’s status, gender identity, sexual orientation, genetic information, or any other characteristic protected by institutional policy or local, state, or federal law that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a student’s ability to participate in or benefit from the College’s educational program or activities.

2. Discriminatory Harassment: Detrimental action based on an individual’s actual or perceived sex, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, gender identity, or other protected status that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a student’s ability to participate in or benefit from the College’s educational program or activities.

3. Retaliatory Harassment: Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a civil rights grievance proceeding.
Student Noniscrimination and Student Grievance Policy cont.

4. Sexual Harassment of a Student by Another Student: Any unwelcome verbal or physical conduct on the basis of sex by a student toward another student that is so severe, persistent, or pervasive and objectively offensive that the conduct limits or denies a student's ability to participate in or benefit from educational programs or activities; sexual assault as defined in the Clery Act regulations; as well as dating violence, domestic violence, and stalking as defined by the Violence Against Women Act.

5. Sexual Harassment of a Student by an Employee: Unwelcome verbal or physical conduct or conduct on the basis of sex by an employee toward a student constitutes sexual harassment when:
   a. The employee causes the student to believe that submission to or participation in the unwelcome sexual conduct is made a condition of the student's educational program or activity or that the employee will make an educational decision or benefit based on the student's submission to the conduct;
   b. Conduct that is so severe, persistent, or pervasive and objectively offensive that it limits or denies a student's ability to participate in or benefit from the College's educational program or activities; or
   c. Sexual assault as that crime is defined in the Clery Act regulations; or
   d. Dating violence, domestic violence, and stalking as defined by the Violence Against Women Act.

In order to constitute sexual harassment under this policy, the alleged conduct must occur within the College's own educational program or activity and it must occur within the United States.

6. Sexual assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program:
   a. Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
   b. Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
   c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
   d. Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.

7. Dating violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
   a. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
   b. For the purposes of this definition:
      i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
      ii. Dating violence does not include acts covered under the definition of domestic violence.

8. Domestic violence: violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or by any other person against the victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the conduct occurs.
14. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable
person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For
the purposes of this definition:
   a. Course of conduct: two or more acts, including, but not limited to, acts in which the stalker directly,
      indirectly, or through third parties, by any action, method, device, or means, follows, monitors,
      observes, surveils, threatens, or communicates to or about a person, or interferes with a person's
      property.
   b. Reasonable person: a reasonable person under similar circumstances and with similar identities to
      the victim.
   c. Substantial emotional distress: significant mental suffering or anguish that may, but does not
      necessarily, require medical or other professional treatment or counseling.

15. A formal complaint is a document signed by a Complainant or the Title IX Coordinator that alleges sexual
harassment against a Respondent that occurred within the College's educational program or activity within
the United States and requests an initiation of an investigation. At the time of filing of a formal complaint,
the Complainant must be participating in an educational program or activity of the College.

16. Actual knowledge as used herein means that the Title IX Coordinator or an official with the College with
the authority to take corrective measures has actual knowledge of a complaint of sexual harassment.

17. Complainant: An individual alleged to be the victim of sexually harassing conduct.

18. Respondent: Individual who has been reported to be the perpetrator of conduct that could constitute
sexual harassment. The Respondent is presumed not responsible; the determination of responsibility is
made at the conclusion of the grievance process.

19. Days: As used herein, days means business days when the College is open.

20. Confidential Employee: A “confidential employee” is a person who holds a professional license requiring
confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person
who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential
source.

21. Educational Program or Activity: Includes locations and events over which the College exercises
substantial control over both the Respondent and the context where the sexual harassment occurred
whether on or off campus. It also includes any building owned or controlled by a student organization that
is officially recognized by the College.

Medical Treatment and Preservation of Evidence

Victims of sexual harassment, sexual assault, domestic violence, dating violence, or stalking are strongly
encouraged to go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable
after the incident.
Grievances Concerning Discrimination and/or Harassment

The college does not permit discrimination or harassment in its programs and activities on the basis of sex, race, color, religion, age, national origin, disability, veteran’s status, gender identity, sexual orientation, or genetic information or any other characteristic protected by institutional policy or local, state, or federal law. Students who believe they have been subjected to discrimination or harassment in violation of this policy should follow the procedures outlined herein to report those concerns.

How to File a Grievance

Students or any other persons who wish to report a concern or file a grievance relating to Discrimination or Harassment (including Sexual Violence) may do so by reporting the concern to the Title IX Coordinator. The Title IX Coordinator designated by the College is:

Bindy Tice
Kilgore College
1100 Broadway Blvd.
Kilgore, TX 75662
(903) 988-7590
btice@kilgore.edu

In addition, the College provides an electronic reporting form on its website (https://www.kilgore.edu/about/institutional-information/title-ix). This link is displayed as “Title IX” on the Kilgore College Homepage (www.kilgore.edu) at the bottom of the screen under the Helpful Links section. Individuals filing an electronic report of discrimination and/or harassment may choose to remain anonymous.

Individuals with grievances of discrimination also always have the right to file a formal grievance with the United States Department Education:

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

Victims of a crime have the right to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime, or to decline to report the crime to law enforcement.

Employee Reporting Requirements

All College employees must promptly report to the institution’s Title IX Coordinator:
- Observations witnessed or information received while in the course and scope of their employment;
- That the employee reasonably believes constitutes an incident of sexual harassment, sexual assault, dating violence, or stalking;
- Committed by or against
  - A student who was enrolled at the institution at the time of the incident
  - An employee employed by the institution at the time of the incident;
• Regardless of when or where the incident occurred.

An employee who fails to make a required report shall be subject to appropriate disciplinary action, including termination. Employees who hear about an incident at an awareness event; employees who themselves are victims of sexual harassment, sexual assault, dating violence, or stalking; and employees, such as counselors and health care providers, who are subject to legal confidentiality requirements are exempt from this requirement.

All employees (other than Confidential Employees) are designated as responsible employees for purposes of complying with Title IX.

Overview of the Grievance Process

The College is only required to investigate a formal complaint, as defined herein. If the requirements of a formal complaint are not met, the complaint will be dismissed. If the College has actual knowledge of multiple Complainants regarding the conduct of the same person that constitutes sexual harassment under this policy, then the Title IX Coordinator must file a formal complaint. If there is no formal complaint, the College must still implement support measures designed to restore or preserve access to its educational programs or activities, protect the safety of the student, and/or deter sexual harassment when necessary, and must also give written notice to the Complainant stating that he/she can file a formal complaint at a later time. It is generally up to the alleged victim whether to file a formal complaint, and the College will respect those wishes in most circumstances.

If there is a formal complaint, then the College will initiate an initial assessment to determine whether the allegations, if proven, would violate this policy. If so, the College will initiate a reasonably prompt, thorough, and impartial investigation, or facilitate an informal resolution. This investigation is designed to provide a fair and reliable determination about whether the College’s nondiscrimination policy has been violated. If so, the College will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence, and address its effects.

Extension of Timelines

Timelines established by this policy and associated procedures may be subject to a limited extension if good cause exists. The College shall promptly provide written notice to the parties of an extension and the reason for the extension.

Informal Resolution

Informal resolution is optional and may be used at any point after a formal complaint is filed if the College determines that it is appropriate under the circumstances, and both parties voluntarily agree to same and consent in writing. A College representative will facilitate the process. This process is not available in instances where an employee is the Respondent. Consent to informal resolution may be withdrawn at any time before formal resolution.

Filing a Grievance

The Title IX Coordinator is designated to formally coordinate and oversee the student grievance process, address inquiries, and coordinate the College’s compliance efforts regarding student grievances.
Reports of prohibited conduct should be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College’s ability to investigate and address the prohibited conduct.

Confidentiality

The identity of a victim, Complainant, person who participates in an investigation, or Respondent if, after the investigation is complete, the College determines that the Complaint is unsubstantiated or without merit, is confidential. However, the identities of the persons listed in the preceding sentence may be disclosed as necessary to carry out the Title IX investigation and may specifically be disclosed to: employees or contractors of the College on a need-to-know basis, law enforcement, healthcare providers, Respondent and potential witnesses.

Requested Contents of a Formal Complaint

The Complainant should clearly and concisely describe the incident(s), when and where it occurred, and the desired remedy sought. The complaint should be signed by the Complainant or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the Complainant and signed electronically. Any supporting documentation and evidence should be referenced within the body of the formal complaint. The complaint should also specifically request initiation of the grievance procedure.

Consolidate Reports

When the allegations underlying two or more reports arise out of the same facts or circumstances, the College may consolidate the reports.

Advisor

Each party to the complaint may be assisted by an advisor of the party’s choice who may participate in the proceedings in a manner consistent with College procedures.

Conflict of Interest Prohibited

No person designated as the Title IX Coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.

Training

A person designated as the Title IX Coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College procedures.

Interim Action and Resources

If appropriate, and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College may, at the College’s discretion, promptly take interim action calculated to address prohibited conduct prior to the completion of the investigation. Examples of possible interim actions include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, changes in classes or extra-curricular activities, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations. Additionally, a Complainant or Respondent will be permitted to drop a course in which both parties are enrolled without academic penalty.
Investigation Process and Protocols

While an alleged victim may request that the institution not investigate the reported incident; the Title IX Coordinator will choose whether or not to honor the request not to investigate after considering:

- Seriousness of the allegation
- Existence of other reports
- Risk of harm to others
- Any other relevant factors

The Title IX Coordinator will inform the alleged victim of the decision. Should the Coordinator honor the alleged victim’s request not to investigate, the College will take the reasonable steps it determines are necessary, consistent with the law and institutional policy, to protect the health and safety of the community in relation to the alleged incident.

Should the investigation proceed, the Title IX Coordinator shall immediately provide notice to the parties (as described below). The Title IX Coordinator will make a good faith effort to conduct a fair and impartial review and/or resolve the grievance in a reasonably prompt and timely manner. All persons investigating such grievances will be impartial and free of any conflict of interest or bias in the outcome.

Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the Respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College shall provide an updated notice reflecting the new allegations.

College Investigation

The investigation may be conducted by the Title IX Coordinator or by a third party designated by the College, such as an attorney.

The investigation may consist of personal interviews with the Complainant, the Respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.
Student Nondiscrimination and Student Grievance Policy cont.

At least ten days prior to the completion of the investigation report, the College must send each party and the party’s advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Criminal or Regulatory Investigation

If a law enforcement or regulatory agency notifies the College that a criminal or regulatory investigation has been initiated, the College shall confer with the agency to determine if the College’s investigation would impede the criminal or regulatory investigation. The College shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.

Emergency Removal

The Respondent can be removed from campus prior to adjudication if the College determines an immediate threat to physical health or safety justifies it. If removed, Respondent shall be given an immediate opportunity to challenge same.

Concluding the Investigation

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX Coordinator within five (5) days following the completion of the investigation.

Unfounded Allegations

If the results of an investigation indicate that no prohibited conduct occurred, the allegations shall be dismissed as unfounded. The College shall provide written notice of the dismissal and that shall be the official outcome, unless the decision is appealed.

Notification of the Investigation Report

The Title IX Coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the Complainant and the Respondent promptly following receipt. The parties shall be given ten days to respond to the report.

If the Respondent accepts the finding and any sanctions by signing a written waiver of a hearing, then no hearing shall be held, and no appeal shall be available. If the Respondent rejects the finding or sanctions, a hearing shall be held to determine responsibility.

College Action

The Title IX Coordinator shall submit the investigation report and any response from the parties to the Title IX hearing panel promptly after receipt of the parties’ response but no later than the expiration of the parties’ deadline to respond.
The Title IX hearing panel shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing shall be conducted in accordance with law and College procedures as set forth herein.

After the hearing, the Title IX hearing panel shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the Title IX hearing panel shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person’s status as the Complainant, the Respondent, or a witness. The Title IX hearing panel shall create a written determination regarding responsibility in accordance with law and College procedures within five (5) days following the hearing and submit the determination to the parties simultaneously.

**Disciplinary or Corrective Action**

If the Title IX hearing panel determines that prohibited conduct occurred, the College shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

**Improper Conduct**

If the Title IX hearing panel determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College may take disciplinary action in accordance with College policy and procedures or other corrective action reasonably calculated to address the conduct.

**Dismissal of Complaint**

1. **Mandatory Dismissal**

   An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

2. **Permissive Dismissal**

   Any complaint may be dismissed at any time on request of a Complainant. The Title IX Coordinator must first assess the request in accordance with this policy.

   A complaint may also be dismissed if specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the complaint or allegations.

**Notice of Dismissal**

Upon dismissal of a complaint, the Title IX Coordinator or the Title IX hearing panel shall provide the parties written notice of the dismissal.
Live Hearing Procedures

The College will provide equal opportunity to both sides to present evidence and witnesses, and will provide equal access to any such evidence. Failure of Complainant to appear will result in dismissal of the complaint. Dismissal does not apply in instances where the Title IX Coordinator filed the formal complaint. Reasonable time limits shall be imposed by the College.

The decision maker at the live hearing will be a panel of three (3) comprised of College employees from a standing committee. The panel will make relevance determinations during cross-examination. Cross-examination is allowed but must be conducted by a third-party advisor or representative; it may not be conducted by the Respondent or Complainant. If a party refuses to be cross-examined, the panel cannot infer guilt, but also cannot rely upon that party’s statements. As a general rule, no questions regarding the Complainant’s sexual history will be allowed. A preponderance of the evidence burden of proof will apply, and the Respondent will be presumed innocent. Expert witnesses are allowed. The written investigation report will be provided to the hearing panel. The Title IX Coordinator and/or investigator may provide evidence, testimony or clarify any aspect of the written report to the panel at the live hearing. Upon request by either party, the parties will be put in separate rooms for the hearing with technology available to hear the other side.

The panel shall announce its decision in writing simultaneously to both sides and such determination shall explain the rationale for the decision and assign sanctions, if any. This decision shall be reduced to writing within five (5) days of the hearing and provided to both parties simultaneously.

Sanctions

Possible sanctions for students include, but are not limited to:

1. **Warning**: Notice, in writing, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.
2. **Censure**: A written reprimand for violating the policy. This conduct status specifies a period of time during which the student’s good standing with the College may be in jeopardy. The student is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.
3. **Disciplinary Probation**: Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed offices, student research, clubs/student organizations, intramural sports and recreation, study abroad, and some student employment). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in further disciplinary action.
4. **Restitution**: Repayment to the College or to an affected Party for damages (amount to be determined by the College) resulting from a violation of this policy. To enforce this sanction, the College reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.
5. **Suspension**: Exclusion from College premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Conditions for readmission may be specified in the suspension notice.
6. **Expulsion**: Permanent termination of student status and exclusion from College premises, privileges, and activities.
7. **Criminal Trespass Warning**: If appropriate, students may be prohibited from entering any KC campus or property.

8. **Revocation of Admission and/or Degree/Certificate/Award**: Admission to, or a degree/certificate/award issued by, the College may be revoked for violating this policy, or for other serious violations of any other College policy found to be committed by a student during an investigation under this policy. If a student is ineligible to reenroll for a reason other than an academic or financial reason, the College District will include a notation on the student’s transcript stating that the student is ineligible to reenroll for a reason other than an academic or financial reason.

9. **Withholding Degree/Certificate/Award**: The College may withhold awarding a degree/certificate/award otherwise earned until the completion of the process set forth in this policy, including the completion of all sanctions imposed, if any.

10. **Other**: Other sanctions may be imposed instead of, or in addition to, those specified here. Sanctions may include remedial measures. Service, education, or research projects may also be assigned.

11. **Multiple Sanctions**: More than one of the sanctions listed above may be imposed for any single violation.

Possible sanctions for employees include, but are not limited to:

1. **Disciplinary**: Any disciplinary action set forth in the College’s policies, up to and including termination.
2. **Trespass**: Criminal trespass warnings as set forth above.
3. **Other**: Any other sanction deemed warranted, whether stated herein or not.
4. **Multiple Sanctions**: More than one of the sanctions listed above may be imposed for any single violation.

**Appeals**

Either the Complainant or Respondent may appeal a determination of responsibility or dismissal of a formal complaint or individual allegations on the following bases, if those bases affected or could affect the outcome:

1. A procedural irregularity that affects the outcome;
2. New evidence not reasonably available at the time of the determination regarding responsibility or dismissal; and
3. A conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision maker against a party.

**Prohibition of Retaliation**

Retaliation for reporting in good faith prohibited conduct or cooperating with an investigation or disciplinary process related to this policy is prohibited. Retaliation includes adverse action taken against a person for making a good faith complaint or report of prohibited conduct or participating in any proceeding under this policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces, or in any other way seeks to discourage a reasonable person from engaging in activity protected under this policy. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of prohibited conduct.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting prohibited conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.
2. INFORMATION ITEM: Consulting Contract for Infection Remediation and Mitigation Services

Lon Ford stated that the college issued a consulting contract for Infection and Mitigation Services with Dr. Anita Schriner, Infectious Disease Specialist. Dr. Schriner’s subject matter expertise has aided the administration in navigating and interpreting policy, procedure, and protocol associated with COVID-19 with the end goal of keeping students, faculty, and staff as safe and protected as possible.

C. Property & Facilities Committee – Jon Rowe, Chair
   1. INFORMATION ITEM: COVID-19 Personal Protection and Cleaning Supplies

Jon Rowe stated that the college is taking necessary steps to keep everyone safe. Over $150,000 has been invested in personal protection products, including the MERV 13 rating hospital level filters, acrylic shields, social distancing markers, atomizers, hand sanitizer, sanitizer stands, disinfectant cleaner, and disposable disinfecting wipes. There have been many other items purchased and many actions that have been taken around campus.

D. Student Success Committee – Janice Bagley, Chair
   1. INFORMATION ITEM: NJCAA/KC Athletic Program Updates

Janice Bagley asked Dr. Mike Jenkins to give an update on the NJCAA/KC Athletic Program. Dr. Jenkins stated that earlier this summer the NJCAA took action to postpone the fall championships sports seasons until the spring because of the COVID-19 pandemic. For Kilgore College, the majority of the impact has fallen on our football and men and women’s basketball teams. Softball is primarily a spring sport so it has not been impacted as much. Based on the NJCAA rules, and our local conference agreements, our fall will consist primarily of practices which will begin about September 15th for football and then start in from there for the other sports. There will also be a limited number of scrimmages. All conference games will begin in January for basketball teams and February for softball. Football season will begin in late March. Because of this postponement each of the sports we have will play a reduced season as well as a shortened playoff and championship schedule.

7. TRUSTEE VACANCY
   Presenter: Joe Carrington

Joe Carrington announced the resignation of Cecelia Sanders from the Board of Trustees. Cel has been a champion of our student success area and really moved us forward in that area. We are going to miss her leadership within the student success arena. Mr. Carrington stated that we have a committee in place. He appointed Larry Woodfin, himself, and Lon Ford to chair the committee to interview applicants.

8. ADJOURNMENT

Joe Carrington adjourned the meeting at 6:54pm.

Respectfully submitted,

President of the Board
Secretary of the Board

Nancy Law, Recording Secretary
Kilgore College Board of Trustees