



## General Employment and Workplace Issues

## **Contents**



## **ACCESSIBILITY**

### **I. Accessibility Policy Statement**

Colby Community College is committed to making all websites, web-based applications, Learning Management Systems (LMS), and instructional materials accessible to its students, faculty, staff, and participants with disabilities. Accessibility standards are based on ADA, Section 504 requirements and applicable regulations. Conformance to this policy does not negate the responsibility of Colby Community College to ensure that accessible technology and course content comply



## V. Definitions

- A. *Accessible*: Individuals with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same services within the same timeframe as a person without a disability, with substantially equivalent ease of use.
- B. *Electronic and Information Technology (EIT)*: EIT includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. EIT includes, but is not limited to, the following: audio and video conferencing, digital and electronic books, and electronic book reading systems, search engines and databases, learning and other content management systems, classroom technology and multimedia, personal response systems (clickers), and office equipment such as classroom podiums, copiers and fax machines. It includes any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, creation, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. EIT includes telecommunications products, Automated Teller Machines (ATMs), transaction machines, computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.
- C. *Learning Management Systems (LMS)*: LMS means a software application, whether used in a single course, by a department, by a college or by a school, or across the institution, which CCC makes available to students and uses to plan, create, administer, document, track, report, deliver, or maintain electronic educational courses, course content, or assess student performance.
- D. *Undue Burden*: Undue burden means significant difficulty or expense. An undue burden is a limitation in which an action is not required of it results in significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include:
1. The nature and cost of the action needed under this part.
  2. The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on the expenses and resources; legitimate safety requirements necessary for safe operation (including crime prevention measures); or the impact otherwise.

## **ACCESS CONTROL**

### **Purpose and Authority of the Policy**

Colby Community College adopted access control for all external building doors Fall 2023. This was done in an effort to enhance the security of its buildings. Access is granted to students, faculty, staff, vendors, and guests on an as needed basis.

### **Access Control**

For the purpose of this policy, Access Control is defined as entry/accessibility to necessary buildings through a key, badge, or PIN Code (Faculty/Staff Only) as determined by appropriate Authorization Level listed below.

### **General Building Access**

**Academic Buildings (Stanley Carr Agricultural Center, Lon R. Frahm Agricultural Center, Pierre Henry Allied Health Building, Ferguson Hall, Bedker Memorial Complex, Thomas Hall (north entrances) and the Cultural Arts Center)**

In general, Academic Buildings in which students have a class and/or instructor are accessible to students between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday during the academic year, excluding breaks and school closures. Academic Buildings where students do not have a class or instructor will be accessible to them between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday. After hours and weekend access is limited to faculty, staff and students who have been given proper advanced authorization for those times.

Online students are not granted access to any Academic Buildings unless requested through the Admissions Office. Online students will be granted access to buildings where their instructors are found only.

### **Administrative Buildings (Thomas Hall breezeway entrance)**

In general, these doors are open Monday through Friday between the hours of 7:30 a.m. until 6:15 p.m.

### **Public Access Buildings (Library and Student Union)**

In general, these building doors are open Monday through Friday during scheduled hours. The library has additional open hours on Sunday.

### **Auxiliary Buildings (i.e. SLAC, Pool/FitLab, Tennis Center, CAC)**

In general, these buildings are available to specific groups during specific times. For questions or reservation of these buildings, please see the website or follow the following links:

SLAC Inquiry/Reservations: [athleticfacilities@colbycc.edu](mailto:athleticfacilities@colbycc.edu)

Pool Access/Reservations: <https://www.colbycc.edu/reserve/index.html>

**Residence Halls**

Colby Community College restricts access to residence halls to confirmed occupancy of the hall based on room assignments made by the Director of Residence and Student Life. Visitors, Vendors, and non-residents must be accompanied by current residents or authorized\* staff at all times. For additional policies, please see the Student and/or Residence Life Handbook.

\*Please Note: Administration, Campus Security, IT, Maintenance, First Responders and local Law Enforcement have 24/7 access and should display identification or produce access badge as requested.

**Building Hours/Access****Faculty/Staff**







All supervisors must contact HR and/or the Access Management Team within one day of a "no-call, no-show" termination or two days if a student has been a no-call, no-show to their position.

**Lost or Stolen**

All lost or stolen Access Cards need to be reported to the Access Management Team immediately by emailing [access@colbycc.edu](mailto:access@colbycc.edu). Access Cards/Student IDs will be deactivated until found or a replacement is issued.

**Replacement**

Student ID/Access badges will NOT be reissued during the duration of your time as a student. Any student not retaining their badge over breaks/vacations will need to pay to have it replaced.

All access cards can be reissued at the Admissions Office for a \$25 fee.

Damaging or tampering with any College lock, access control or door hardware, or any other attempt to defeat or disable any access control system

Propping open secure doors

Admitting unauthorized\* persons into a secure building or area

Failure to return a key(s) and/or ID Access Card when leaving the College, or when otherwise requested by authorizing department

Failure to report a missing key(s) and/or ID Access Card

Persons in violation of this policy may be subject to College discipline policies and procedures and/or prosecution.

### **Physical Key Terms and Conditions**

NO keys shall be duplicated.

NO keys shall be loaned or transferred.

Any lost keys will be reported immediately to the supervisor of the Building & Grounds office



## **ADMINISTRATOR, ADMINISTRATIVE SUPPORT, AND NON-CERTIFIED EMPLOYEE BENEFITS**

Admission to College Activities. Employees and their dependents shall be admitted to the use of the college swimming pool during regularly scheduled public swim hours without charge. In addition, employees and their dependents shall be admitted without charge to all college- sponsored activities except events that are sponsored by an outside agency or any other activity, which includes an additional food service charge. *[Revised May, 2011 and April 22, 2014]*

Bereavement Leave. Up to a total of four (4) days per occurrence shall be awarded to each employee for bereavem









**ADVERT WAIVERS FOR STAFF POSITIONS**

While staff will normally be appointed



## **BACKGROUND CHECK**

Employment is contingent upon the results of a background check, Colby Community College shall perform the following background checks at the indicated intervals:

1. Background Inspection: Upon hire annually occurring in the fall semester.
2. Motor Vehicle Registry: Upon hire and annually.
3. SSN Trace Report (Used to determine other state criminal background checks needed): Upon hire.
- 4.



driver is determined to be the primary cause of the accident through speeding,





Complete the form located in the vehicle accident packet. Pertinent information to obtain includes the license number of other drivers, insurance company names and policy numbers of other vehicles, make, model, and year of other vehicles, the date and time of the accident, and ove



B. An employee who has been convicted of a felony within the previous seven (7) years, including but not limited to offenses listed below, will not be eligible for continued employment with the College. An employee who has been convicted of a non-felony within the previous seven (7) years, including but not limited to offenses listed below, may be ineligible for continued employment with the College. The College reserves the right to discharge for certain felonies older than seven (7) years indicated on the criminal history report. Individual state regulations i qxgtplpi "etlo kpcn'eqpxk'vqpu"vj cv'ctg'o qt g'tgutk'v'g'ur gtugf g'vj g'Eqmgi g'at'gs w't go gpw'lp" this policy.











Forms for filing written complaints are available from [tj g'Rt gukf gpwa'qhheg, online](#) and in the policy manual. The President will provide all written, formal complaints to the Board of Trustees.

A complaint must be filed as soon as possible after the alleged misconduct occurs, but not later than 90 days after the complainant becomes exposed to the alleged misconduct, unless the misconduct is ongoing.

At the discretion of the supervising Vice President, and the approval of the President, an investigation may follow the filing of the formal complaint. If the complaint is against the President, the Board of Trustees will appoint an investigating officer. If the complaint is against the supervising Vice President, the President or his designee will conduct the investigation. In other instances, the investigation will be conducted by the supervising Vice President, or other individual appointed by the President. The investigation may include, but is not limited to, interviewing relevant individuals, watching security video, examining personnel files, evaluations, and other relevant documents. The complainant and the person against whom the complaint is made will be afforded an opportunity to submit evidence relevant to the complaint.

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A copy shall be forwarded to the complainant within 30 working days of filing the complaint, unless an extension is negotiated with the complainant.

Records relating to complaints filed and their resolution shall be maintained in a confidential manner by the Office of Human Resources.

The complainant and the accused may appeal the complaint resolution. Appeals will be heard by the President or by the Board of Trustees, if the complaint involves the President. The request to appeal the resolution must be made within three (3) working days after the date of the written resolution. The written request must be addressed with the President. The President will review the evidence and the proposed resolution, and will afford all affected parties an opportunity to submit further evidence within five days after a notice to appeal is filed. After the President's review, he/she will issue a written determination of the findings within five working days after the appeal is filed.

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

The President will report any unresolved personnel complaints to the Board of Trustees on or before the next regularly scheduled board meeting. With regard to any complaint, the President shall take appropriate steps to ensure the safety and security of students and personnel.

*[Revised April 2014; July 2020; January 2022]*





1. Work requested or required is considered work time.
2. Work not requested, but *necessary to complete the allotted deadline is considered work time.*
3. Work performed for the employer but away from the employer's premises or job site is considered work time.
4. If the employer knows or has reason to believe that work is being performed, the time spent must be counted as hours worked.
5. It is the duty of the employer to exercise control and see that the work is not performed if the employer does not want the work to be performed. The mere declaration of a policy against such work is not enough.
6. Hours compensated but not actually worked, such as paid leave and paid snow days are not considered work time for the computation of overtime. Paid holidays are considered work time for employees only (excluding Hourly).
7. Overtime requirements may not be waived by agreement between the employer and employee.  
All management supervisors are expected to be knowledgeable about current overtime regulations and to abide strictly by these rules.

*[Added July 2016]*

*[Reviewed July 2020]*



**CONDITIONS OF EMPLOYMENT**

Absences. When an employee cannot report to work, he/she must notify his/her supervisor or



status or consent.

Employment-at-Will. All administrators, administrative support, and non-certified employees are employees-at-will and employment may be terminated at any time, with or without cause. Nothing in Colby Community College policies or guidelines should be interpreted as assurance of continued employment. No employee has authority to change or modify the at-will status.

However, the Board of Trustees, in its discretion, may enter into multi-year contracts with the President and vice presidents. An at-will employee may be placed on administrative leave with pay pending a final decision by the Board of Trustees on termination of employment. *[Revised May, 2008 and October, 2011]*

Evaluation. In January of each year, each supervisor is responsible for the completion of an **Employee Evaluation** form for each employee under his/her supervision. Copies of these forms to be used in evaluation will be distributed from the Human Resources Office. Administrators will be evaluated annually. In recent years the College evaluation of administrators has been done electronically. Administrators may respond in writing to the administrative evaluation to be placed in his/her personnel file.

Exit Procedures. Upon termination of employment for any reason, the employee must notify the Human Resources Office in writing of his/her last working day for health insurance termination, KPERS determination, and any other employment-related details. All keys shall be returned to the Human Resources Office. The employee will be paid for unused annual leave. The employee shall be given an exit interview upon termination.

Holidays. Paid holidays directly observed by the college are limited to those dates outlined in the employee's contract. Payment w



Any staff member not specifically asked to work but who does come to work will receive no additional compensation other than the pay already given.

On days when the college is open and an individual cannot report to work owing to inclement weather, the individual may take vacation time, if any is available, or will be given time off without pay. *[Revised December, 2007]*

Kansas Public Employees Retirement System. All full-time administrators, administrative support, and non-certified employees must belong to the Kansas Public Employees Retirement System. Employee contributions are made through payroll. Employees should

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support staff, coaches, and non-professional employees. Payment of wages/salaries is made monthly on the eighth day of the month for all professional employees. *[Revised April 2014; revised March 2020]*

Seeking Employment. Employment with the college is obtained by submitting an Application for Employment and interviewing with the President or the President's authorized representative or representatives, as appropriate. Selection of the successful candidate for any position is always made with the qualifications of the applicant and the best interests of the college. wages1 Tm Tm08,87.74000912 0 6





## CONDOLENCES AND OTHER RECOGNITION

Employees should notify the Human Resources Office when learning about a death that affects the College community. The College will send an expression of sympathy, generally flowers or a plant, upon the death of a current student, or current/former employee or Board Member/Endowment Board Member. Departments or individuals who want to send a condolence gift after the death of an employee's family member may do so with personal funds. Under extenuating circumstances, the executive council may determine if institutional funds can be used.

Similarly, when a department wishes to recognize a colleague or colleague's family member on other occasions, i.e., marriage, birth, retirement, illness, etc., gifts must be purchased with personal funds.

*[Added August 2019]*

*[Updated December 2021; September 2023]*

## CONFLICT OF INTEREST

The purpose of these regulations is to ensure that all actions are taken in the best interest of the College and its students. Employees should do so with



employee or a member of his/her family



Employment, without the approval of your immediate supervisor or head of department, in a teaching capacity on a full-time or part-time basis with another higher education institution.

Employment or activity individually or with another person or entity providing goods or services



Violations shall subject the person to disciplinary sanctions which may include, but are not limited to, suspension from or termination of employment.

Examples of situations in which a conflict of interest will be deemed to exist.

Vj g'wug'qh'yj g'Go r nq{ ggau'qt'lpf kxf wczu'qh'lekn'kug'qh'go r nq{ o gpv'qt'yj g'Eqnd{ "Eqo o wpkv'Eqmgi gdu'pco g.'qt'cp{ "qh'Eqnd{ 'Eqo o wpkv'Eqmgi gdu'eqo r qpgpv'r ctu." including any qh'yj g'Eqnd{ 'Eqo o wpkv'Eqmgi gdu'i tcr j leu.'lp'cp{ "ukwcvkqp"qyj gt'yj cp" in the conduct of official Colby Community College business.

The use of any Colby Community College resource, including but not limited to Colby Community College stationery, the Colby Eqo o wpkv'Eqmgi gdu'cf f tguu.'tj qpg'pwo dgt." fax number or electronic mail address as a contact point for personal or private business use.

Vj g'wug'qh'yj g'Eqnd{ 'Eqo o wpkv'Eqmgi gdu'pco g.'ku'cz'gzgo r v'ucwuu'qt'ku'cz'gzgo r v' number to purchase goods or services for personal or private business use.

The use of Colby Community College resources in such a way as to interfere with, or cause harm or damage to another person, institution, or company within or outside the



**CREDIT CARD USAGE**

Colby Community College is participating in the State of Kansas and Elan Financial Services



may result in personal liability.

Remember that you are committing College funds each time you use the procurement card. This is a responsibility that cannot be taken lightly.

## **Card Use Procedures**

### Types of Cards

Standard VISA Card Use is for purchase of commodities made in accordance with approved CCC purchasing policies and procedures. Transaction total is limited to \$3,000 per purchase without additional approval and the standard credit limit varies.

### How to Obtain a Card

After you have read and understand the procedures in this manual, your department may request a new card be issued to you by forwarding the Credit Card Request Form (Appendix) to patty.mead@colbycc.edu. The VISA Card Coordinator will assist with gaining access to the applicable training for the VISA requested. Once the VISA Credit Card request form has been received and training has been completed, the appropriate VISA Card will be requested on your behalf.

The VISA Coordinator will notify you, via email, when your new card is ready to be picked up in Thomas Hall. At that time, you will be asked to read and acknowledge your understanding of your role and responsibility.

When you receive your card, always keep it in a secure place. Although the card is issued in your name it is the property of the Colby Community College and is only to be used for College purchases as defined in this manual.

### How to Cancel a Card

VISA cards are to be canceled immediately if a card-holder, issued in a card-holder's name,

The process for canceling a procurement card begins with the return of the card to HR or Patty Mead.

### Card Renewal

A renewal card will automatically be mailed to the VISA Card Coordinator. The cards are typically mailed out from the Bank around the middle of the month that the card expires in. You will be notified when the card has arrived from the bank and is available for pick-up.

### Failure to Use Card

An unused card is considered a security risk. If the VISA is not used on a regular basis a report is generated by the Bank notifying the VISA Card Coordinator of the inactive card. After six months of inactivity the card will automatically be cancelled by the bank. Please see the cardholder agreement that was included with your card.

### How to Report a Lost or Stolen Card

If a procurement card is lost or stolen, immediately contact the VISA Card Coordinator to have your



card closed and re-issued.

### Procurement Card Security

Only the authorized cardholder department may use the card. Cards and card numbers must be safeguarded against use by unauthorized individuals in the same manner you would secure your personal credit card.

### Internet Security

Suggested best practices for shopping on the Internet are listed below. Be aware that an outside party could gain access to your VISA Card account number if a vendor's Internet site is not secure.

1. Only use your card in a secure environment, i.e., the location/address box on your browser starts with "https://".
2. Use sites that include a BBB (Better Business Bureau) Accredited Business seal. The seal should link to a page confirming that the business is BBB accredited. Be cautious if the seal is not linked to a BBB page confirming accredited business status. It could be a sign of unauthorized use of the mark.
3. If you are not familiar with an online merchant, verify its reliability with out0.00000912 0 612 792 reW\* nQq



The cardholder is responsible for ensuring receipt of goods and materials and will follow-up with the vendor to resolve any delivery problems, discrepancies and damaged goods.

For telephone or catalog orders, make sure complete shipping address and instructions are given along with your name, department name, complete street address, room number, city, state, and zip. If goods or materials are ordered by phone, explain we are a tax-exempt organization and ask the vendor to include a detailed sales receipt in the package. Save the credit card receipt and shipping documentation.

#### Record Keeping and Documentation

Record keeping will be essential to ensure the success of the program. Standard payment policies require retention of receipts and other documentation. As with any credit/charge card, you must retain sales slips, cash register receipts, invoices, order forms and receiving documents. All of these documents should be submitted to the card administrator with your monthly statement.

#### Approval Process

Itemized receipts must be forwarded to













The student has a documented disability;

Required documentation is provided, as requested by the Disability Office;

The animal is a service animal (as defined by the ADA);

A signed letter on professional letterhead from a licensed physician, psychiatrist, social worker or mental health professional that states the nature of the disabling condition or impairment.

Upon approval of special accommodations by the committee, a student who desire to have a service animal in college housing must submit the appropriate residence hall application paperwork and \$175 deposit required of all students. Availability of campus housing is not guaranteed as campus housing is available on a first-come, first serve basis to all students upon submission of the required application paperwork and \$175 deposit.

A service animal will not be permitted in a college facility if the animal:

Poses a direct threat to the health and safety of others;

Causes substantial physical damage to the property of others;

Poses an undue financial or administrative burden; or

Fundamentally alters the nature of college operations.

A service animal that is disruptive, or that is not housebroken, will not be permitted in college facilities. Disruptive behavior includes, but is not limited to, barking, jumping on individuals, growling at individuals, or

A student who is permitted to have a service animal in a college facility is financially responsible for any property damage caused by the animal. The student is responsible for the care of a service animal, and for cleaning up any waste created by the animal.

[https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)

### **Emotional Support Animals (ESA)**

Emotional Support Animals, are not permitted on the CCC campus. However, requests will be evaluated on a case-by-case basis to determine if the animal may be a service animal. Before bringing a support animal onto campus grounds, the requesting individual must submit a request and appropriate supporting documentation. Requests for a support animal will be evaluated by the Disability Office, Director of Counseling, and Residence Life staff. All paperwork and documentation must be on file before requests will be evaluated.

Should an emotional support animal be approved, the following policies and procedures are in place to ensure the protection and comfort of all students.

### **Annually Students with Emotional Support Animals (ESA) must:**

1. Register their ESA with the Disability Office before the animal is brought to campus, including all paperwork and deposit;
2. Pay a \$350











Colby Community College may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, Colby Community College will be entitled to compensation for its attributable percentage of the current fair market value of the property.

If Colby Community College fails to take appropriate disposition actions, the Federal awarding agency may direct Colby Community College to take dispositions actions.

Colby Community College is aware of and follow the Equipment usage policy as defined in 200.313 (78629, *Federal Register, Vol.78, No. 248/Thursday, December 26, 2013/Rules and Regulations*) and voluntarily complies.

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<i>Authorized Representative</i>	<i>Date</i>	<i>President</i>	<i>Date</i>
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*[Adopted June 2015]*



**EQUITY GRIEVENCE RESOLUTION**



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

Employee Title IX Coordinator  
Office of Human Resources  
Colby Community College  
1255 S. Range Ave





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

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

Offensive conduct that does not rise to the level of discrimination may not result in the imposition of discipline under College policy, but may be addressed through remedial actions, education, training and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Human Resources Manager and the area supervisor and students should contact the Director of Residence and Student Life or Dean of Student Affairs.

## **B. Sexual Harassment**

The Equal Employment Opportunity Commission and the State of Kansas regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice and is prohibited under College policy. Colby Community College has adopted the following definition of sexual harassment:

Sexual harassment is: unwelcome, sexual or gender-based verbal, written, online and/or physical conduct, and is based on power differentials (*quid pro quo*). Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the appropriate Title IX Coordinator.

## **C. Sexual Misconduct**

All employees, students, constituents and non-members have the right to be free from all violence, including sexual violence. Everyone within the campus community is expected to conduct himself or herself in a manner that does not infringe upon the rights of others. The College believes in a zero tolerance for all misconduct, including gender-based misconduct, which typically includes the crimes of rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual harassment, and stalking. When an allegation of misconduct violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This is intended to define community expectations, to establish a mechanism for determining when those expectations have been violated and to provide recourse for those individuals whose rights have been infringed upon.

### **Non-Consensual Sexual Contact is defined as:**

- any intentional sexual touching
- however slight
- with any object

by a person upon another person

that is without consent and/or by force

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

**Non-Consensual Sexual Intercourse is defined as:**

any sexual penetration or intercourse (anal, oral or vaginal)

however slight

with any object

by a person upon another person

that is without consent and/or by force

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

In support of the Violence Against Women Act, Title IX regulations and the Clery Act, the college prohibits crimes as defined in the Annual Security Report. The complete Kansas rape and sexual assault offense definitions are located at [http://www.kslegislature.org/li\\_2012/b2011\\_12/statute/](http://www.kslegislature.org/li_2012/b2011_12/statute/)

**Sexual Exploitation**

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse. Examples of sexual exploitation include, but are not limited to:

Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)

Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures

Prostitution

Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol to another person without his or her knowledge or consent.

Or any other activity that constitutes sexual exploitation

\* For more information, see the Personal Relationships Policy.

## **Consent**

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to make such decisions. A person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

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

In Kansas, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old, consenting and un-consenting, is a crime.

## **Other Civil Rights Offenses**

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

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

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

policy

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

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

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

Any other College rules or any other civil right offenses covered under law

\*Deliberately false and/or malicious accusations are just as serious an offense as harassment and will be subject to appropriate t (employees).

### **Retaliation**

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

### **Remedial Action/Protective Measures**

The College reserves the right to take whatever measures it deems necessary in response to an allegation of misconduct in order to protect rights, personal safety and well-being of the campus community. The college employs interim protective measures in any case where behavior represents a risk of violence, threat, pattern or predation. Such action may include taking disciplinary action against those whose behavior off college premises indicates they pose a serious and substantial danger to others.

Normally, such substantial danger may be manifested by a pending criminal charge, usually relating to a crime of sexual misconduct, violence, burglary, substantial theft or fraud, the sale of illegal drugs, or the possession of substantial quantities of illegal drugs. Anyone who engages in such activity may be accountable to both civil authorities and to the College for acts that constitute violations of the law. Disciplinary action imposed by the College will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. A law enforcement investigation does not relieve the College of its independent Title IX obligation to investigate conduct and to resolve complaints promptly and equitably.

In all cases, if the complainant (reporting party) wishes to access local advocacy options, on/off campus counseling services, medical care and/or law enforcement for support, the college will assist. The College provides them through written and verbal communication in the hopes of offering help and support.



The appropriate Title IX Coordinator will offer assistance in the form of interim or long-term measures such as:

- Opportunities for academic accommodations

  - Changes in on-campus housing for the reporting party or the responding party

  - Arranging to dissolve a housing contract and pro-rating a refund

  - Visa and immigration assistance

  - Changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation

  - Assistance, targeted interventions, temporary withdrawal, etc.).

### **Confidentiality and Reporting of Offenses**

Every reasonable effort will be made to maintain the privacy and rights of individuals involved in the reporting of offenses. College officials, depending on their roles, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. Privacy of records are maintained in accordance with Kansas law, Title IX and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act

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to protect the community.

**C. Non-Confidential Reporting Options**

It is the collective responsibility of all members of the College community to foster a safe and secure environment. The College takes the matter very seriously in the event of sexual misconduct, or other civil rights offenses. Incidents, when reported, are investigated and properly resolved through administrative procedures. Responsible employees must report and/or investigate any reported offense. A victim may seek assistance from these offices to protect her privacy.

**Responsible Employees:**

- President
- Vice President of Academic Affairs
- Vice President of Student Affairs
- Director of Admissions
- Human Resources Director
- Athletic Director
- Campus Security
- Director of Residence and Student Life

**Federal timely Warning Report in the event of sexual**

## **ETHICS AND INTEGRITY**

Colby Community College is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its board members, officers, employees, or volunteers. This policy outlines a procedure for employees to report actions that an employee reasonably believes violates a law, or regulation or that constitutes fraudulent accounting or other practices. This policy does not apply to the private acts of an individual unconnected to the college.

## INDIVIDUAL EMAIL ACCOUNTS

Colby Community College has obligations to ensure integrity and accessibility of records, and security of sensitive institutional information that may be sent or received via email. This procedure advises employees of their obligations to use only their Colby Community College email account<sup>1</sup> and not personal email accounts to preserve the institutions archival records; to enhance compliance with federal and state laws and regulations; to eliminate accidental or innocent destruction of records; to facilitate the

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College account in the future. Other exceptions to this procedure may only be authorized in  
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<sup>1</sup>Colby Community College Email Account: Email account(s) provided by Colby Community  
College Information Technology Department for the purpose of transacting institutional business.

<sup>2</sup>External/Personal Email Account: An email account provided by an organization not affiliated  
with Colby Community College. This may be a personal Gmail, Yahoo, or other account, or may  
be provided by another organization (such as a professional organization, or another institution  
with which the user is also affiliated.)

<sup>3</sup>Auto-forward: The act of forwarding email through the use of an automated forwarding  
mechanism. Once configured, these mechanisms forward email from one server to another  
without any user intervention and/or oversight.

*[Added November 2021]*





If the President or the Organization decides that the invention does not warrant patenting, the inventor is free to patent it. In such case, however, the College does not relinquish its right to publish any of the data obtained in or through the project. If the College or the Organization decides not to further the use of the copyrightable software, it shall assign the rights therein to the creator(s).

When any revenue is obtained by or on behalf of the College from the development or assignment of any patent or from royalties, license fees or other charges based on any patent or copyrightable software, not less than twenty-five (25) percent of revenues shall be paid to the inventor(s) or



*[Added November 2021]*

## **INTERDEPARTMENTAL TRANSFER**

An employee must maintain employment for one year of continuous service before requesting a transfer. However, there are instances when a supervisor, because of need, can deem that a transfer is acceptable before the 12-month period ends. These circumstances include, but are not limited to, difficulty filling the position, the individual poses a unique skill set to fill said vacancy, the position is deemed necessary for immediate fulfillment. In such instances, the immediate supervisor and supervising vice-president must agree to the department transfer.

Transfer applications are reviewed by the Human Resource Manager, with ultimate approval residing with the supervising vice-president.

*[Added August 2016; Reviewed January 2021]*

## LEAVE

Sick Leave: Each full-time administrator, administrative support and non-certified employee shall accrue one sick day per month of employment, up to a cumulative maximum of 90 days. New employees will not be eligible to utilize sick leave until he/she has completed 90 days of service with the college. CCC Administrators, administrative support, and non-

## OPEN RECORDS REQUESTS

The Kansas Open Records Act grants you the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. The Open Records Act, K.S.A. 45-215 et seq., as amended, declares that it is the public policy of Kansas that "public records shall be open for inspection by any person." Public records are defined as "any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency. Colby Community College is classified as a public agency for the purposes of this Act.

Public records maintained by Colby Community College:

- Regulations
- Policies
- Minutes/records of open meetings
- Salaries of public officials
- Agency budget documents

### Your Rights

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Officer at any time.

You have the right:

- To inspect and obtain copies of public records that are not exempted from disclosure by a specific law.
- To obtain a copy of the agency's policies and procedures for access to records.
- To receive a written response to your request within three business days. The response may inform you that it will take additional time to produce the records.
- To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

### Your responsibilities:

- You must request records - written, photographic, or computerized. The Kansas Open Records Act does not require an agency to answer questions, prepare reports, or compile information.
- An agency may require you to put your request in writing, and you must provide proof of your identity, if requested.
- Reasonable fees, not exceeding actual cost, may be charged for access to records, copies of records, and staff time for processing your request.

### Requesting a Record

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Information Officer, and requests for inspection and copies of records should be directed to him/her.

Colby Community College asks that you submit a written request to obtain public records. Please include the following information in your request:



Personnel records of public employees

Medical treatment records

Criminal investigation records

Notes, preliminary drafts, or records in which opinions are expressed or actions are proposed

Records for which disclosure would constitute a clearly unwarranted invasion of personal privacy

Proprietary business information

Records protected by attorney/client privilege

For the complete list, see K.S.A. §45-221(a)Q69F26q1( )] TJETQ230eW\* nBT/F3 11.04 Tf1 0 0 1 249.77 511

Records more than 70 years old may be disclosed without regard to the above-listed exemptions, unless exempt under other federal or state law.

Records only partially exempt will have the exempt portions excluded prior to production. Records that would unduly disclose individual identities will not be produced.

Nothing in the Kansas Open Records Act supersedes federal law, including the Health Insurance

Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA).

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Copies: 25 cents per page for paper copies; 12.5 cents per page for electronic copies  
College attorney fee: \$200/hour

**Requests for Electronic Format Records**

The records custodian will be the sole judge of the ability of the agency to comply with any request for the records to be provided in electronic format or for records that must be produced in any specific computer-generated format.

**Additional Information**

For assistance in resolving disputes relating to the Act, contact Freedom Information Officer.

**The Solomon Amendment**

Under the provisions of the Solomon Amendment (32 C.F.R. 216), Colby Community College is prohibited from providing information to the Department of Defense for military recruiting purposes. This information includes student name, address, telephone number, date of birth, level of education or degrees received, major and the most recent previous institution attended. For more information regarding FERPA and the Solomon Amendment, contact Colby Community College. Fees as provided under KORA shall apply to these requests.

Students/Faculty/Staff working and/or employed at the Colby Community Farm must park in designated areas only.

**Parking Citations**

Any vehicle parked on campus or at the farm not in accordance with this policy will be issued a written

must be submitted through the Business Portal system. The college is not responsible for payment of an indebtedness which is not supported by a duly approved Business Portal request.

Receptionist Duties. All persons employed for secretarial or bookkeeping positions are expected to act as "receptionists." Persons coming into an office take precedence over other duties. Visitors should be greeted courteously by the first employee who notices them. Employees should make visitors comfortable if they must wait. If arrangements cannot be made for them to see the appropriate person, make sure that person receives written notice of the visit.

Smoking and Tobacco. Smoking and tobacco use is not allowed in campus buildings.

Visitors in the Classroom. The only individuals allowed in the classroom are the instructor and the students who have paid for that specific class. The instructor has the right to invite or allow other individuals to visit the class on occasion as appropriate.

*[Revised December 2007; revised April 2014]*

Work Areas. Each employee is expected to leave the employee's work area clean and orderly at the close of each work day. Machines, equipment, tools, etc., should be covered and stored in the proper place. Each employee is responsible for the care of the machines, equipment, tools, etc., used in the performance of the employee's work tasks. Each employee should double-check to make sure files, vaults, doors, etc., are secure at the end of the day. Security





## **RAISE ELIGIBILITY**

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*[Added July 2020]*

## RECORDS RETENTION

Colby Community College is governed by state statutes defining records retention requirements. State law provides that all government records are public property and shall not be destroyed or otherwise disposed of except as authorized by law or applicable retention and disposition schedules (see [Kansas Statutes Annotated \(K.S.A.\) 45-403](#)). This chapter provides records and information management guidance for current and non-current government records within Colby Community College units and offices. The College Archives is designated as the official repository for the preservation of all Colby Community College non-current government records with enduring value. The College Archives is administered by the College Vice President of Business Affairs (VPBA), hereinafter referred to as the VPBA, who serves as the Agency Records Officer for Colby Community College in accordance with [Kansas Administrative Regulation \(K.A.R.\) 53-4-1](#). In this capacity, the VPBA serves as the liaison between the College Archives and Colby Community College offices to develop and maintain records retention and disposition schedules as described in this chapter. Unless stated otherwise, the term "College Archives" shall mean the College Archives of Colby Community College. This policy is maintained by the Policy Committee, which is further described in [.050 Roles and Responsibilities](#).

### Statutes

Colby Community College records, regardless of their format, are subject to the records preservation laws of Kansas. College officials are responsible for managing records in ways that ensure accessibility under the Kansas Open Records Act (KORA, [K.S.A. 45-215645-223](#)), protect the confidentiality of other records as stipulated in various state and federal statutes, and preserve and provide long-term access to selected records through the Government Records Preservation Act ([K.S.A. 45](#)





c. Boxes stored in an office area should be placed so that all box labels are visible and the





- e. Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 et seq., defines meetings, declares meetings that conduct governmental affairs or governmental business transactions be open to the public, provides for public notices to be given regarding meetings, provides for exceptions when meetings may be closed, and describes penalties and enforcement actions.
  - f. Kansas Uniform Electronic Transactions Act, K.S.A. 16-1601 et seq., allows for the use of electronic signatures and electronic recordkeeping.
  - g. Tampering with a public record, K.S.A. 21-5920, defines such as a class A nonperson misdemeanor.
- B. Education records: Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99: FERPA is a federal law protecting the privacy of student education records. It applies to all schools that receive funds under specified programs of the U.S. Department of Education.
- C. Financial records: federal grant information, 2 C.F.R. Part 200.3336200.337, pertaining to record retention and access to Post Federal Award Requirements.
- D. Health Information records: Health Insurance Portability and Accountability Act (HIPAA), 110 Stat. 1936: HIPAA is a federal law related to continuity of health insurance that also includes rules protecting privacy of health information. One of these rules, known as the Privacy Rule, applies to health care providers who transmit health information in electronic form. Further information is available on the U.S. Department of Health and Human Services website.
- E. Human Resources records
- a. Records, Reports, Research and Evaluation of Personnel System: K.A.R. 1-13-1a defines the contents of an employee's official personnel file, and K.A.R. 1-13-1b relates to disclosure of employee information.
  - b. Federal Occupational Safety and Health Administration (OSHA) injury and illness recordkeeping and reporting requirements: Requirements for maintaining, posting and providing records of serious work-related injuries and illnesses.
  - c. Federal Department of Labor Family and Medical Leave guidance (see Recordkeeping





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## SOCIAL MEDIA

### Purpose

The Social Media Policy promotes responsible engagement and dialogue between Colby Community College employees and students, prospective students, and constituents. The decision to participate in any online social network or discussion rests with CCC faculty and staff. To that end, employees and students choosing to participate on platforms used for official College purposes should:

Protect privacy online by adjusting the settings and publishing updates only to the audience with whom you wish to share.

Treat content so that once posted online, it is available worldwide. Any text or photo placed online typically becomes the property of the social networking site(s) and cannot be controlled when it is placed online.

Complete an application form for new accounts and register existing accounts with the Public Relations Office.

Register at least two administrators who are full-time employees of Colby Community College.

### College Accounts

1. Employees interested in establishing a social media account must begin by completing an [application](#). Existing accounts should also be registered using the same form. Accounts must be registered with a College email address that ends in "@colbycc.edu"

Accounts on most social media platforms are accepted; however, at this time, College accounts on TikTok are prohibited because of state and federal government concerns about privacy.

2. Social media accounts recognized by Colby Community College must always have at least two administrators who are full-time employees. Account administrators must also add the CCC Public Relations Director as an administrator or provide login credentials.
3. Employees are expected to follow the same standards online as they would in the workplace, guided by the CCC Policies and Procedures Manual. Employees are fully responsible for the content they post on social media sites on behalf of the College.
4. Accounts for student organizations officially recognized by Student Life must be overseen by a full-time College employee who serves as an account administrator. Students cannot be named as exclusive page administrators but may post with review of the employee-administrator.
5. Employees or those providing work for Colby Community College are prohibited from engaging in conversations or posting information, stated or implied, regarding employees, alumni, or student records such as GPA, social security numbers, admissions status, name, telephone numbers or information that would be covered by FERPA.
6. Employees will identify themselves by name and, when relevant, their role when discussing College-related matters.
7. All laws and regulations relating to copyright and fair use shall be followed without



exception.

8. Clients, partners, or suppliers of CCC will not be cited without their approval. When possible, references will be linked back to the source.
9. College accounts should display official CCC logos, which are available from the Public Relations Office. No other logos representing CCC may be used.
10. It is recommended that the college URL, [www.colbycc.edu](http://www.colbycc.edu), a college phone number, and college email address be listed on social media accounts. Avoid listing personal cell phone numbers and email addresses.
11. Once a site administrator is no longer affiliated with a specific site, the rights will be removed.
- 12.





## TRAVEL











### **Non-Reimbursable Subsistence Expenses**

Subsistence expenses incurred by employees are not reimbursable in the following situations:

Subsistence expenses incurred as a result of an employee residing in a city or town outside the  
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are not reimbursable.

No subsistence expense may be reimbursed to the employee when the subsistence is furnished at  
no cost to the employee by any organization.

### **MISCELLANEOUS EXPENSES**

#### **Reimbursable Miscellaneous Expenses**

Employees may be reimbursed for miscellaneous expenses incurred during travel such as local  
transportation fares, purchase of supplies, registration fees, and other similar miscellaneous expenses  
identified below. Receipts evidencing each miscellaneous expenditure should be submitted with the travel  
expense report, except no receipts are required for: local transportation charges, unattended parking  
meters, and unattended toll booths.

*[Adopted June 2015]*

*[Updated September 2020]*





Create or intentionally release computer viruses or worms or otherwise compromise a computer;

Engage in frivolous, disruptive or inconsiderate conduct in computer labs or terminal areas;

Use a college network to gain unauthorized access to a system or college data or to escalate privileges on a system; or

Use information resources for commercial purposes, except when explicitly approved by the applicable manager. Prohibited uses include, but are not limited to, development of programs, data processing or computations for commercial use, preparation and presentation of advertising material and the running of a server connected to the college network.

**Implied Consent:** Gcej 'r gtuqp'y kj 'ceeguu'q'v'j g'Eqmgi gá'eqo r wkpí 'tguqwtegu'ku'tgur qpukdr'hq't" appropriate use and agrees to comply with all applicable College and departmental policies and regulations, and with applicable City, County, State and Federal laws and regulations, as well as with the acceptable use policies of affiliated networks and systems. Each user is subject to monitoring of all communications, including e-mail.

*[Added November 2021]*



## **WEAPONS**

### **Applicability**

This Policy applies to all Colby Community College (CCC or "College") students, employees and visitors:

1. on the CCC main campus, Affiliate campus, and within locations owned or leased by CCC that are not part of the CCC main or Affiliate campuses (collectively,



It shall be a violation of Board and CCC policy to openly display any lawfully possessed concealed carry handgun while on campus, except as provided herein.

### **Concealed Carry Restrictions**

Concealed Carry: Each individual who lawfully possesses a Handgun on Campus shall be wholly and solely responsible for carrying, storing and using that Handgun in a safe manner and in accordance with the law and this Policy. Individuals who carry a Handgun on Campus must carry it concealed on or about their person at all times. Concealed means completely hidden from view and does not reveal the Handgun in any way, shape or form. On or about the person means that an individual may carry a Handgun if it can be carried securely in a suitable carrier, such as a backpack, purse, handbag or other personal carrier designed and intended for the carrying of an individual's personal items. Moreover, the carrier must at all times remain within the exclusive and uninterrupted control of the individual. This t7.71 546.7 Tm0 ETQu 642.34 T.TQq0







4. The device is constructed specifically for the storage of a handgun and/or ammunition. All ammunition stored in an on-campus residence must be stored in an approved storage device.

**Training:** Training on the proper handling of a concealed Handgun is encouraged. All CCC employees are eligible for CCC continuing education training reimbursement to supplement training for local, noncredit workshops, which could include a gun safety course. Additionally, CCC may periodically offer on-campus presentations to students/employees related to safe handgun practices.

Even the lawful carrying of a concealed Handgun has its own risks. Any report of Weapons on a CCC Campus will be addressed by local





APPENDIX

[Employment Application](#)

[Kansas Open Records Act Request for Public Records](#)

[On-Line Course Review/Instructor Evaluation](#)

[Overtime Request Form](#)

[Travel Expense Form](#)

