

**Western Technical College
District Board Policy Subcommittee
Meeting Agenda**

Thursday, August 08, 2024, 12:00 p.m.
Zoom

Policy Subcommittee Members:

Angie Lawrence (Chair) Ryan Alderson Lance Bagstad Megan Skarlupka

Staff members:

Tracy Dryden Jessica Pintz Ge Vang

1) Approve

a) June 18, 2024, minutes

Action X

Page 2

2) Review of College Policies

a) E0102 Protection of Student Information (first read)

b) G0100 Use of Data/Research (first read)

c) G0101 Research Projects and Survey (first read)

d) C0102-E0105 Harassment and Nondiscrimination Policy (first & final read-Federal Mandate)

Discussion

Page 3

Adjournment

Any questions regarding this agenda should be directed to Jessica Pintz pintzi@westerntc.edu

Western Technical College District Board Policy Subcommittee Meeting Minutes

Thursday, June 18, 2024, 1:00 p.m. Zoom, La Crosse, WI 54601

Policy Subcommittee Attendees: L. Bagstad (interim Chair), A. Lawrence.
Excused: J. Dillin. Staff members: J. Pintz, T. Dryden, J. Lemon, E. Jacobson

1:00 p.m. Bagstad called the meeting to order.

Lawrence motioned, and Bagstad seconded, to approve the May 9, 2024, minutes. 2/0/0, the motion carried.

The following policies were discussed and approved to move to the full board approvals at the June 18, 2024, meeting.

- a) B0401 Use of College for Political Purpose (first read)
- b) E0714 Language Access Policy (second read)
- c) E0715 Student Recruitment (first read)

The next meeting date has not been determined.

The meeting was adjourned at 1:30 p.m.

JLP

E0102 Protection of Student Information

FERPA

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. It is the policy of Western Technical College to adhere to the laws protecting the confidentiality of student information. **Education records are any record maintained by the College which directly relate to the student. This includes communication through college systems including text messages and emails.**

Under FERPA, students have the right to inspect and review their education records maintained by the College. The College must have written permission from the student in order to release any information from the student's educational record except directory information or for identified exceptions under the law. Western has designated the following information as directory information:

Name

City

State

Dates of attendance

~~Class~~ **Credit load**

~~Previous institution(s)~~ **Colleges and schools attended**

~~Major field~~ **Program of study**

Awards

Honors (includes ~~President's and Dean's List~~)

Degree(s) conferred (including dates)

Address (limited directory information only)

Phone (limited directory information only)

Email address (limited directory information only)

The academic transcript with the College seal affixed, is considered the only official record of a student's performance. Transcripts will be released only ~~on~~ **at**

the written request of the student. ~~A transcript may not be released if the student is financially indebted to the College.~~

LIMITED DIRECTORY INFORMATION DESIGNATION:

Western does not disclose any directory information for marketing or solicitation purposes. Western designates address, email, and phone number information as limited directory information only. This information is only eligible for release to Western Technical College Foundation for Foundation-related activities and/or local, state or federal law enforcement agencies for safety and/or criminal investigative purposes; or as required for compliance with the Solomon Amendment.

FTC RED FLAG RULES

In accordance with the Federal Trade Commission's (FTC) Red Flag rules, the College has developed an Identity Theft Prevention Program that helps protect consumer identity by responding to possible signals of identity theft known as "Red Flags". The Board delegates the authority to the President or his/her designee to implement and provide oversight review of the Identity Theft Prevention Program. The President or ~~his/her~~ **their** designee shall, from time to time, develop such procedures as are necessary to carry out this responsibility.

E0102p Protection of Student Information Procedure

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Access to a Western student record is governed by the Family Educational Rights and Privacy Act (FERPA). A student's educational record is confidential and generally shall not be released to anyone except the student, regardless of the student's age, without a student's written consent.

REVIEWING EDUCATION RECORDS

Student education records are maintained in the Registrar's Office. All requests to review education records must be made to the Registrar's Office. Western reserves the right to have the request made in writing. The Registrar's Office must comply with the request within forty-five (45) days.

RELEASE OF STUDENT INFORMATION

Prior written consent from the student must be obtained before information may be disclosed to any third party who does not meet the exemptions outlined in FERPA. Students can provide written consent by submitting a [Release of Student Information](#) form. The Release of Student Information is valid until it is revoked in writing.

DIRECTORY INFORMATION

FERPA allows Western to release information designated as directory information without student consent. Students can request to withhold directory information by submitting a [Request to Withhold Directory Information form](#). If a student requests to withhold directory information, all future requests for information from non-institutional persons or organizations will be refused. The Request to Withhold Directory Information is valid until it is revoked in writing.

Western does not disclose any directory information for marketing or solicitation purposes. Western designates address, email, and phone number information as limited directory information only. This information is only eligible for release to

Western Technical College Foundation for Foundation-related activities and/or local, state or federal law enforcement agencies for safety and/or criminal investigative purposes; or as required for compliance with the [Solomon Amendment](#).

SOLOMON AMENDMENT

Under the Solomon Amendment, information will be released for military recruitment purposes only. The military recruiter may request student information once each term for each of the 12 eligible units within the five branches of services:

- Army: Army, Army Reserve, Army National Guard
- Navy: Navy, Navy Reserve
- Marine Corps: Marine Corps, Marine Corps Reserve
- Air Force: Air Force, Air Force Reserve, Air Force National Guard
- Coast Guard: Coast Guard, Coast Guard Reserve

The request must be submitted in writing to the Registrar's Office and clearly identify the unit of service requesting the student recruitment information. The request should indicate whether the information is needed for the current or previous term.

HEALTH AND PUBLIC SAFETY EXCEPTION

The College may disclose information from an education record, in the event of an emergency, to appropriate parties whose knowledge of the information is necessary to protect the health or safety of a student or other individual. This exception is limited to the period of the emergency and generally does not allow for a blanket release of PII from a student's education records. All requests for the release of information under a health and public safety exception must be made to the Director of Counseling and Case Management or the Campus Community Safety Director.

~~LEGAL REQUIREMENTS~~ RED FLAG RULES

Section 114 of the Federal Trade Commission's Fair and Accurate Credit Transactions Act of 2003 created the Red Flags Rule. The Fair Credit Reporting Act: Identity Theft Rules are identified in 16 CFR Part 681. These rules and

regulations require Western Technical College (Western) to **have an identity theft prevention program designed to** ~~develop and provide for the continued administration of a written Program to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account and to provide administration of the procedure.~~ **The written program will be maintained by the Registrar's Office and will be made available upon request.** The College's procedure must:

- ~~Identify relevant Red Flags for covered accounts it offers or maintains and incorporate those Red Flags into the program~~
- ~~Detect Red Flags that have been incorporated into the procedure~~
- ~~Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft~~
- ~~Ensure the procedure is updated periodically to reflect changes in risks to students and to the safety and soundness of the creditor from Identity Theft~~

DEFINITIONS

The following definitions are included as part of this procedure:

- ~~Identity theft — is fraud committed or attempted using the identifying information of another person without authority.~~
- ~~Covered account — is an account that a creditor offers or maintains, primarily for personal, family, or household purposes that involves multiple payments or transactions; and, any other account the College offers or maintains for which there is reasonably foreseeable risk to customers or to the safety and soundness of the College from identity theft. A student account and the corresponding student account number is considered a covered account.~~
- ~~Red flag — is a pattern, practice or specific activity that indicates the possible existence of identity theft.~~
- ~~Personal Identifying Information (PII) — is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person. PII may include: name, address, telephone number, social security number, date of birth, driver license, identification number, alien~~

~~registration number, government passport, employer or taxpayer identification number, student identification number, computer's Internet Protocol address, or routing code.~~

~~IDENTITY THEFT PREVENTION PROGRAM~~

~~To ensure compliance with the Identity Theft Rules, Western employees will verify student identity when fulfilling information requests. These requests can be, but are not limited to, any of the following services:~~

~~ITEMS REQUIRING STUDENT IDENTIFICATION~~

- ~~1. Student Admissions Information including test results~~
- ~~2. Student Record Information including schedules, transcripts, grades, etc.~~
- ~~3. Student Account information including billing inquiries, balance owed, authorizations, etc.~~
- ~~4. Student Financial Aid Information~~
- ~~5. Parking Permits~~
- ~~6. Student ID Cards or ID Badge~~
- ~~7. Student Residence Hall Information~~
- ~~8. Any other information or document requiring student account access~~

~~FORMS OF ACCEPTABLE ID~~

~~"One" form of Government or Agency issued photo ID~~

- ~~1. Student ID~~
- ~~2. Valid Driver's License~~
- ~~3. Passport~~
- ~~4. DMV Authorized ID Card~~
- ~~5. High School issued ID card~~

~~OR~~

~~"One" of the following student specific pieces of information~~

- ~~1. Date of Birth~~

~~2. Student ID Number; AND~~

~~"Two" of the following presented verbally or in writing:~~

- ~~1. Classes Registered — past or current~~
- ~~2. Personal Email~~
- ~~3. Final Grades — past or current~~
- ~~4. Address on File~~
- ~~5. Last 4 Digits of Phone Number on File~~

~~-~~

~~RED FLAGS FOR COVERED ACCOUNTS~~

~~Western staff members should use the following risk factors to identify relevant red flags for covered accounts:~~

~~Suspicious Documents~~

- ~~• Identification document or card that appears to be forged, altered or inauthentic~~
- ~~• The photograph or physical description on the identification is not consistent with the appearance of the student presenting the identification~~
- ~~• A request for service that appears to have been altered or forged~~
- ~~• A request made from a non-college issued e-mail account~~
- ~~• A request to mail something to an address not listed on the file~~

~~Suspicious Identifying Information~~

- ~~• Identifying information presented that is inconsistent with other information the student provides (example: inconsistent birth dates)~~
- ~~• Identifying information presented that is inconsistent with other sources of information (example: address mismatch on personal documents)~~
- ~~• Identifying information presented that is the same information shown on other applications that were found to be fraudulent~~

- Identifying information presented that is consistent with fraudulent activity (example: invalid phone number or fictitious billing address)
- Social security number presented that is the same as one given by another person
- A person fails to provide complete personal identifying information
- A person's identifying information is not consistent with the information that is on file for the student

Suspicious Account Activity

- Account used in a way that is not consistent with prior use
- Notice to the College that a student is not receiving mail sent by the College
- Notice to the College that an account has unauthorized activity
- Breach in the College's computer security system
- Unauthorized access to or use of student account information

Alerts from Others Notice to the College from a student, Identity Theft victim, law enforcement or other person that the College has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

~~PROCEDURE FOR REPORTING SUSPECTED OR REPORTED RED FLAG ISSUES~~

~~When a case of identity theft is reported or suspected, Western employees shall do the following:~~

- ~~1. Employee will inform supervisor and immediately submit an incident report through the online report system (https://cm.maxient.com/reportingform.php?WesternTC&layout_id=14)~~
- ~~2. Maxient report will automatically forward to the Cyber Breach Response Team~~
- ~~3. The Cyber Breach Response Team will determine necessary action~~

~~BEST PRACTICES FOR KEEPING STUDENT INFORMATION CONFIDENTIAL~~

~~To reduce the risk of identity theft, Western staff members should practice the following:~~

- ~~1. Never ask a student to instant message or e-mail sensitive personal information or credit card information.~~
- ~~2. Never ask a student to verbally declare their personal information in the presence of others.~~
- ~~3. Don't leave documents containing sensitive information lying around.~~
- ~~4. Sensitive personal documents should be placed in secured shred boxes~~
- ~~5. Drop off should be used to email sensitive personal documents or information~~
- ~~6. When leaving your workstation, lock or sign-off your computer.~~
- ~~7. Be sure documents at the printer are secure. If a document is printed and lying on the printer, contact the owner or deliver the document immediately.~~

PROGRAM ADMINISTRATION

The ~~Dean of Students~~ Registrar will serve as the Program Administrator and is responsible for developing, implementing, and updating this program. The Program Administrator will be responsible for ensuring appropriate training of College staff on the program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating ~~i~~identity ~~t~~Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the program.

SERVICE PROVIDER ARRANGEMENTS

In the event the College engages a service provider to perform an activity in connection with one or more covered accounts, the College will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of ~~i~~identity ~~t~~Theft

- Require, by contract, that service providers have such policies and procedures in place; and
- Require, by contract, that service providers review the College's program and report any Red Flags to the Program Administrator

Program Updates

The Program Administrator will periodically review and update this program to reflect changes in risks to students and the soundness of the College from **i**Identity **t**Theft. In doing so, the Program Administrator will consider the College's experiences with **i**Identity **t**Theft situations, changes in **i**Identity **t**Theft methods, changes in **i**Identity **t**Theft detection and prevention methods, and changes in the College's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the program, including the list of Red Flags, are warranted. If warranted, the Program Administrator will update the program.

Approved June 16, 2009

Updated January 8, 2020

Reference Policy: [E0102 Protection of Student Information](#)

Reference Procedure: [E0102p\(2\) Telecommuting Procedure](#)

Current Policies

G0100 ~~Data Use~~Use of Data/Research and Information Technology

Western is committed to data-informed decision making as it ~~pertains~~relates to ~~meeting the College's~~our mission and ~~reaching our~~vision through the achievement of ~~by~~in support of achieving our strategic goals. ~~Western's Key Results are~~integral into measuring progress towards meeting achieving our the organization's strategic goals ~~are our organizational~~Key Results. The ~~Key R~~key Results are standardized data elements ~~and definitions~~ that define the overall success of the organization's mission to serve students, and are used to support the planning and managing of College operations, and measuring organizational performance. This and other institutional data ~~and~~ are supported by ~~institutional~~research ~~Research~~ and ~~information~~Information ~~technology~~Technology. The ~~Key r~~Key results are used for planning and managing College operations and for measuring organizational performance.

Revised

Revised November 17, 2015

Revised September 15, 2015

Reviewed May 19, 2015

Adopted July 13, 2009

G0100p Procedure for Data Use Research and Information Technology

All requests for data, research, information, and survey administration at Western will be directed through the ~~institutional~~Institutional Research ~~D~~epartment. ~~The director of institutional research will determine the need for consultation with the Institutional Research Board (IRB) based on the request.~~ Requests will be ~~shared~~shared with the Priority Advisory Board for approval and prioritization and the ~~Information Technology (IT) department~~Department will be consulted when necessary ~~when an approved standard report or data set is not available.~~ This ~~will help insure~~ensures the collection and use of consistent, reliable, and valid data.

All requests for operational technology-related processes and reports will be directed through the ~~Information Technology~~Media Networking Services (INMS) (IT) Department. ~~The director of INMS will chair the Priority Advisory Board, and process and project requests will be shared with the Priority Advisory Board for approval and prioritization as needed.~~ This ~~will help insure~~ensures that operational processes and procedures requiring technology support ~~will be~~are reviewed before resources are committed for implementation.

Revised

Approved July 13, 2009

Formatted: Font: Not Bold, Not Italic

Formatted: No underline

G0101 Research Projects and Surveys

Western Technical College supports the collection and analysis of data to ~~support~~ inform decision making and ~~to~~ improve the efficiency and effectiveness of College programs, services, and operations. Research and evaluation studies may be conducted by College staff and/or by outside consultants or agencies under the direction of the ~~Institutional Research Office~~ Department. ~~The director of institutional Research will determine the need for consultation with the Institutional Research Review Board (IRB) based on the request, and upon approval by the Research and Technology Team (RTT).~~ Such All studies must ~~be mindful of the rights of individuals and be conducted according to the guidelines-standards~~ established by the U. S. Department of Health and Human Services (DHHS) and respect the rights of individuals.

Revised

Adopted July 19, 2012

G0101p Research Projects and Surveys Procedure

Definition: -Research includes any ~~systematic-organized~~ activity that obtains generalizable knowledge or other primary data for ~~any a~~ purpose other than the measurement of student performance for the student's benefit. Examples may include:

- Survey or data collection to provide materials for presenting at professional conferences or meetings, or for publication
- Gathering of data to be used in a class assignment or thesis
- Activities requested by a third party in exchange for some type of compensation

All surveys and research projects conducted at Western Technical College shall follow the following procedure:

- 1. Preparing Preparation of a draft of the research design and research instruments to be used in the research including:
 - ~~a.~~ Beginning and ending dates
 - ~~b.~~ Intent of the research or purpose of the study
 - ~~c.~~ Name of researchers
 - ~~d.~~ Description of the data collection process/methodology
 - ~~e.~~ Instruments to be used to conduct the research including letters and description of activities
 - ~~f.~~ Statement on how privacy will be maintained
 - ~~g.~~ Statement on the level of risk involved for the participants, and copy of informed consent document if the risk is more than minimal
 - ~~h.~~ Institutional Review Board (IRB)RB approval from the initiating organization, as appropriate
- 2. Identification of a faculty research advisor if the researcher is a student
- 3. Attainment of Obtaining approval by the College Department ~~of or~~ Division where the research will be conducted
- 4. Review by the College Institutional Research Office Department

Formatted: Strikethrough

Commented [SB1]: 45CFR46
<https://www.hhs.gov/ohrp/regulations-and-policy/regulations/45-cfr-46/index.html>

Formatted: Font: Bold

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

- ~~Obtaining Attainment of~~ approval by the outside institution IRB, if appropriate
- ~~Obtaining approval by the RTT, if appropriate~~
- 5.
- 6. ~~Services provided facilitated by the College~~ The Institutional Research Office ~~Department~~ facilitates the following services include: ~~INDENT ITEMS BELOW(?)~~
 - ~~a. Review of~~ research procedures and instruments to ensure that regulations are met, and risk is minimized
 - ~~b. Assist in refin~~ Refinement of ~~ing~~ project ideas, tools, and survey instruments
 - ~~c. Provide assurances~~ Assurance of cooperation required by external IRBs (most thesis projects require approval from the IRB of the degree granting institution)

Formatted: Font: (Default) Aptos, 12 pt, Font color: Dark Gray

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Aptos, 12 pt, Font color: Dark Gray

Formatted: Font: (Default) Aptos, 12 pt, Font color: Dark Gray

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

The review of proposed research requires the researcher to provide evidence of:

- Department or ~~d~~ Division approval where the staff or students will be the focus of the proposed research
- Identification of commitments of time and other resources
- The extent that the research activity might interrupt the teaching/learning/working environment of the College
- Assurance that individual student or staff information cannot be identified and is destroyed upon completion of the research

Formatted: Indent: Left: 0.38"

Failure to obtain approval ~~by through~~ the College Research Office and Institutional Research Department ~~or the Research and Technology Team acting as the Institutional Review Board~~ prior to undertaking any research activity is a violation of ~~college this~~ college policy. -It also releases Western Technical ~~college College~~ from any ~~indirect liability otherwise incurred by virtue of the fact that it "should know" that the activity has taken place~~, thereby leaving the researcher solely responsible for any liability incurred.

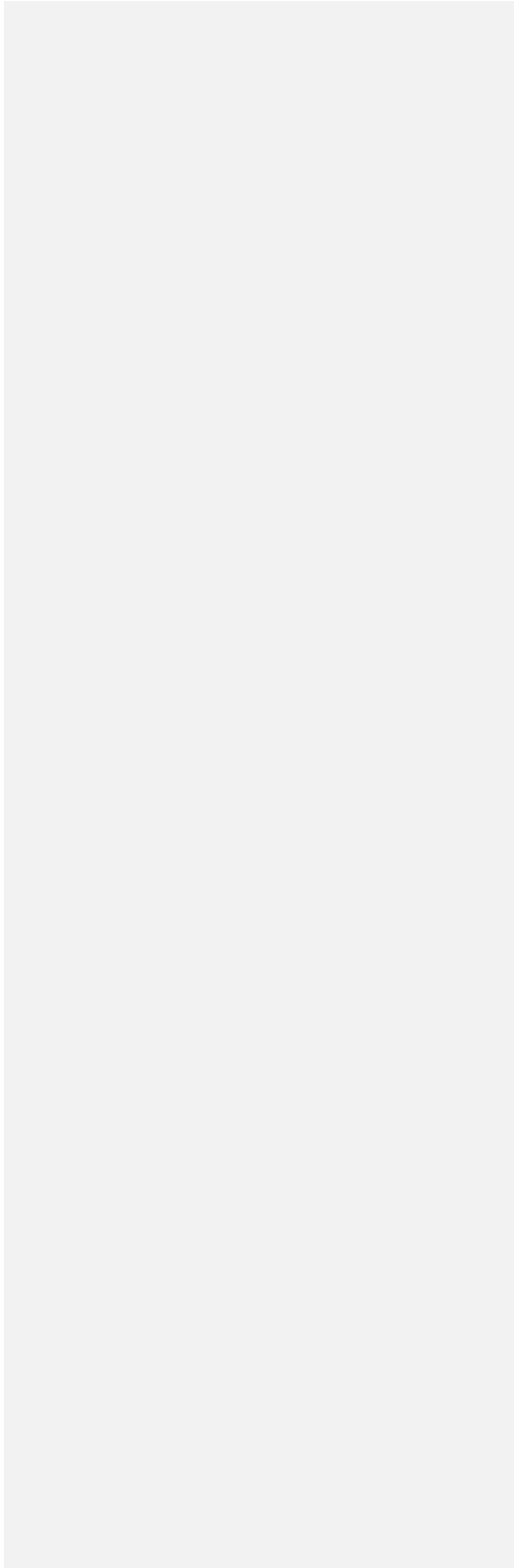
Revised

Approved July 19, 2012

1
2
3
4
5
6
7
8

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

C0102-E0105 Anti-Harassment and Nondiscrimination Policy



| | | |
|----|---|-------------------------------------|
| 39 | C0102-E0105 Anti-Harassment and Nondiscrimination Policy | 4 |
| 40 | Scope of Policy | Error! Bookmark not defined. |
| 41 | Policy Definition and Designated Officials | 6 |
| 42 | Administrator | 7 |
| 43 | Advisor of Choice | 7 |
| 44 | Appeal Officer | 7 |
| 45 | Confidential Employee..... | 7 |
| 46 | Decisionmaker..... | 7 |
| 47 | Informal Resolution Facilitator. | 8 |
| 48 | Investigator..... | 8 |
| 49 | Title IX Coordinator..... | 8 |
| 50 | Title IX Personnel..... | 8 |
| 51 | Party..... | 9 |
| 52 | Pregnancy or Related Conditions..... | 9 |
| 53 | Respondent..... | 9 |
| 54 | Student..... | 9 |
| 55 | Complainant..... | 9 |
| 56 | Witness..... | 9 |
| 57 | Prohibited Harassment and Discrimination Conduct..... | Error! Bookmark not defined. |
| 58 | Protected Characteristics | 12 |
| 59 | Harassment | 12 |
| 60 | Discrimination | 12 |
| 61 | Definitions Related Specifically to Sex Discrimination | 13 |
| 62 | Hostile Environment Harassment | 13 |
| 63 | Quid Pro Quo Harassment | 13 |
| 64 | Sexual Assault—Non-Consensual Sexual Penetration | 14 |
| 65 | Sexual Assault—Non-Consensual Sexual Contact..... | 14 |
| 66 | Sexual Assault—Incest | 14 |
| 67 | Sexual Assault—Statutory Rape | 14 |
| 68 | Dating Violence | 14 |
| 69 | Domestic Violence | 15 |
| 70 | Stalking..... | 15 |
| 71 | a. Course of conduct | 15 |

| | | |
|-----|---|-------------------------------------|
| 72 | b. A reasonable person..... | 15 |
| 73 | c. Substantial emotional distress..... | 15 |
| 74 | Retaliation | 16 |
| 75 | Definition of Consent..... | 16 |
| 76 | Regarding Pregnancy or Related Conditions | 16 |
| 77 | Self-Identification and Employee Reporting..... | 17 |
| 78 | Reasonable modifications | 17 |
| 79 | Comparable treatment to other temporary medical conditions..... | 18 |
| 80 | Voluntary access to separate and comparable portion of program or activity..... | 18 |
| 81 | Voluntary leaves of absence..... | 18 |
| 82 | Certification to participate | 19 |
| 83 | Lactation space..... | 19 |
| 84 | Limitation on supporting documentation..... | 19 |
| 85 | Prohibition on Retaliation..... | 19 |
| 86 | Students with Disabilities | Error! Bookmark not defined. |
| 87 | Disability Accommodations and Interpretive Services..... | 21 |
| 88 | Reporting..... | Error! Bookmark not defined. |
| 89 | • Anonymous Reporting | Error! Bookmark not defined. |
| 90 | • Amnesty..... | Error! Bookmark not defined. |
| 91 | • False Allegations..... | Error! Bookmark not defined. |
| 92 | • Federal Timely Warning Obligations..... | Error! Bookmark not defined. |
| 93 | • Promptness..... | Error! Bookmark not defined. |
| 94 | Reporting to a Title IX Coordinator | 28 |
| 95 | Reporting to a Confidential Employee..... | 31 |
| 96 | Reporting to the U.S. Department of Education | 33 |
| 97 | Reporting Anonymously and Online..... | 33 |
| 98 | Reporting to Other Western Technical College Employees | 33 |
| 99 | Privacy and Confidentiality..... | Error! Bookmark not defined. |
| 100 | Independence and Conflict-of-Interest | Error! Bookmark not defined. |
| 101 | Revisions and Interpretation | 37 |
| 102 | Appendix A: Definition of Relevant Terms | 38 |
| 103 | | |

104 **C0102-E0105 Anti-Harassment and Nondiscrimination Policy**

105 Western Technical College (herein “Western”) is committed to building and preserving an
106 educational and workplace environment where students and employees can learn and
107 work together free from discrimination, harassment and retaliation in all benefits,
108 programs, and activities. To ensure Western’s commitment to fostering an environment
109 built on a foundation of integrity, teamwork, and respect, the College has developed
110 internal policies and procedures that provide a prompt, fair, and impartial process for
111 complaints of discrimination and harassment on the basis of Protected Characteristics,
112 and for complaints regarding retaliation. Western is committed to ensuring compliance
113 with federal and state civil rights, or local law and First Amendment laws and regulations.

114 The prohibited offenses outlined in this policy may also be prohibited by Titles VI and VII of
115 the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972, 20 U.S. C.
116 § 1681 et seq. (“Title IX”), by the Jeanne Clery Disclosure of Campus Security Policy and
117 Campus Crime Statistics Act (“Clery Act”) and Section 304 of the Violence Against Women
118 Reauthorization Act of 2013 (“VAWA”), and other applicable statutes, including the laws of
119 the state of Wisconsin This policy prohibits a broad continuum of harassment and
120 discriminatory conduct.
121

122 Nothing in this policy shall affect the right of an individual to file a complaint with external
123 law enforcement or applicable regulatory agencies, if applicable. A complaint may be filed
124 concurrently with external law enforcement agencies or regulatory entities and the
125 institution without jeopardizing an individual’s rights to an administrative investigation or
126 other process as defined in our procedures.
127

128 Inquiries regarding the application of this policy and the respective resolution procedures
129 used to resolve complaints may be referred to one or more of the following based on the type
130 of Protected Characteristic.
131

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

Equal Employment Opportunity
Commission (EEOC)
Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203-2292
Phone: 1-800-669-4000
Fax: 414-297-4133
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
Web: <http://www.eeoc.gov>

132

133 **Scope of Policy**

134 This policy covers how Western Technical College will respond to allegations of
135 harassment or prohibits all form of discrimination based on Protected Characteristics as
136 defined by this policy. While some Protected Characteristics are self-explanatory, others
137 like sex, include subset protections required by law. ~~Discrimination, For purposes of this~~
138 ~~policy and the institution's resolution procedures, discrimination based on sex shall also~~
139 ~~include~~ may involve exclusion from or different treatment in programs or activities, such as
140 admissions, athletics or employment. Discrimination may at times take the form of
141 harassment, sex-based discrimination, based on sex stereotypes, sex characteristics,
142 pregnancy or related conditions, sexual orientation, and gender identity or expression. The
143 policy also covers instances and allegations of sex-based and gender-based harassment
144 including hostile environment, quid pro quo, sexual harassment, sexual assault, stalking,
145 sexual exploitation, dating violence, or domestic violence, and stalking. . When an alleged
146 violation of this policy is reported, the allegations are subject to resolution using Western's
147 Sexual Harassment Grievance Procedure or Western's Student Grievance Procedure.

148 This policy applies to all members of the Western community, including, but not limited to,
149 students [2], employees [3], board members, others engaged in business with the College,
150 volunteers, guests, and visitors.

151 Alleged harassment and discrimination not identified under this policy, including
152 harassment not based on Protected Characteristics, may be addressed under other
153 College policies.

154
155 This policy applies to the conduct of Western Technical College students¹, faculty, staff,
156 and third parties (e.g., non-members of the Western Technical College community, such
157 as applicants, volunteers, vendors, alumni/ae, trustees, visitors, partners, guests, or
158 residents). Third parties may be protected by and subject to this policy depending on their
159 relationship with the institution. A third party may make a report or complaint of an alleged
160 violation of this policy by a member of the Western Technical College community when the
161 alleged violation occurs within the context of the institution's programs and activities. A
162 third party may also be permanently barred from Western Technical College or subject to
163 other restrictions for failing to comply with this policy.

164
165 This policy applies to conduct that occurs within the institution's premises, which includes
166 land, buildings, facilities, and other property in the possession of or owned, used, or
167 controlled by Western Technical College either solely or in conjunction with another entity.
168 This includes the institution's computing and networking resources whether accessed on
169 the institution's physical property or remotely. Online and/or social media conduct may
170 violate this policy if it meets the definition of Prohibited Conduct and may also be a
171 violation of other Western Technical College policies.
172 any College employment or educational program or activity. The procedures referenced in
173 this policy may be applied to behaviors that take place on any Western campus or

¹ For the purposes of this policy, "student" is defined as a person who has gained admission to the institution.

174 controlled property, and at Western sponsored events. This policy may apply to off-
175 campus or online conduct that effectively deprive some of access to Western's
176 educational program, or when the conduct is determined by the Title IX Coordinator to
177 affect a substantial Western interest. A substantial interest is defined by Western as:

- 178 1. Any action that constitutes a criminal offense as defined by law. This includes, but
179 is not limited to, single or repeat violations of any local, state or federal law;
- 180 2. Any situation in which it is determined that the respondent poses an immediate
181 threat to the physical health or safety of any student or other individual;
- 182 3. Any situation that significantly impinges upon the rights, property, or achievements
183 of oneself or others or significantly breaches the peace and/or causes social
184 disorder; and/or
- 185 4. Any situation that is detrimental to the educational or workplace environment of the
186 College

187 This policy also applies to conduct not on Western Technical College's premises that is
188 associated with an institution-sponsored program or activity, such as travel, research, or
189 internship programs. Western Technical College may apply this policy to any off-campus
190 conduct that contributes to a hostile environment on campus or within the educational
191 setting. Human Resources and/or the Title IX Coordinator or designee, depending on the
192 nature of the allegation and the status of the person or persons accused of harassment,
193 will reasonably determine when an alleged off-campus incident falls within the jurisdiction
194 of this policy.

195
196 Western Technical College will address allegations of prohibited harassment and
197 discrimination conduct under this policy through the Anti-Harassment and
198 Nondiscrimination Procedure. The grievance procedures will provide for the prompt and
199 equitable resolution of complaints alleging any action that would be prohibited by this
200 policy.

201 The policy may be applied to behavior conducted in person, through writing, or through
202 technology such as phone, online, email or other electronic medium, where the speech or
203 conduct is not protected by freedom of expression. Discrimination, harassment and
204 retaliation against members of the Western community are not protected expression
205 under the First Amendment.

206 If a Respondent is unknown or is not a member of Western's community, the Title IX
207 Coordinator will assist the Complainant in identifying appropriate campus and local
208 resources and support options, and/or in contacting local law enforcement if the individual
209 would like to file a police report.

210 Policy Definition and Designated Officials

211

212 Western Technical College has designated specific individuals the responsibility for
213 responding to allegations of harassment and/or discrimination (including sex-based and
214 gender-based harassment) and carry out other requirements to comply with federal and
215 state laws and regulations. These individuals are referenced in this policy and associated
216 procedure in general terms as the “designated college official.” Depending on the nature
217 of the complaint, the appropriate designated college official will coordinate college efforts
218 to respond to the allegation. This might include a response from the Title IX Coordinator,
219 Title IX Personnel, or other designated college officials.
220

221 **Administrator.** For allegations of all Protected Characteristics except sex, the
222 administrator is the official who is tasked with the intake, investigation, and resolution of
223 the complaint.
224

225 **Advisor of Choice.** For resolutions of sex-based and gender-based harassment
226 complaints involving students or for employee reports involving dating violence, domestic
227 violence, sexual assault, or stalking, the parties may be accompanied to any meeting or
228 proceeding by an advisor of their choice. An advisor of choice is any individual who
229 provides the complainant or respondent support, guidance, or advice and is not also a
230 witness in the case. The advisor may not participate in the meetings or speak on behalf of
231 the party except as outlined in this policy. Western Technical College will not limit the
232 choice of advisor but may remove an advisor that violates the College’s established rules
233 of decorum. An advisor should be chosen whose schedule allows attendance at the
234 scheduled dates and times because delays typically will not be allowed due to the
235 scheduling conflicts of an advisor. An employee may serve as an advisor but is not required
236 to do so even if requested.
237

238 **Appeal Officer.** “Appeal officer” means the person or persons that will make the
239 determination on any appeal submitted under this policy including appeals of dismissals
240 and determinations of responsibility. The appeal officer may be an employee or a
241 contracted service provider.
242

243 **Confidential Employee.** “Confidential Employee” means (1) an employee of Western
244 Technical College whose communications are privileged or confidential under Federal or
245 State law and the employee is functioning within the scope of their duties to which the
246 privilege or confidentiality applies; (2) an employee designated as confidential under this
247 policy for the purpose of providing services to persons related to sex discrimination; or (3)
248 an employee who is conducting an Institutional Review Board-approved study designed to
249 gather information about sex discrimination—but the employee’s confidential status is
250 only with respect to information received while conducting the study.
251

252 **Decisionmaker.** “Decisionmaker” means the person or persons that will make the
253 determination of responsibility at the conclusion of the applicable grievance procedures

254 under this policy. The decisionmaker may be an employee or a contracted service provider
255 and may be the same person as the Title IX Coordinator or investigator.
256

257 **Informal Resolution Facilitator.** “Informal Resolution Facilitator” means an
258 individual designated by Western Technical College to resolve reports and complaints
259 utilizing an informal resolution process. The assigned facilitator for an informal resolution
260 process will not be the same person as the assigned investigator or the decisionmaker in
261 sex discrimination complaints.
262

263 **Investigator.** The “investigator” is the person or persons assigned to conduct an
264 investigation of a complaint. The investigator may be an employee or a contracted service
265 provider.
266

267 **Title IX Coordinators**

268 ~~The Manager of Student Life & Integrity and the Manager of Employment, Compensation~~
269 ~~and Compliance serve as Title IX Coordinators and oversee implementation of Western’s~~
270 ~~Harassment and Nondiscrimination policy, Equal Opportunity plan, and disability~~
271 ~~compliance. The Title IX Coordinators are responsible for coordinating the intake,~~
272 ~~investigation, resolution and implementation of measures to stop, remediate, and prevent~~
273 ~~discrimination, harassment, and retaliation prohibited under this policy.~~

Commented [GV1]: Moved to Reporting in Title IX section

274 **Title IX Coordinator.** The “Title IX Coordinator” is responsible for overseeing the
275 College’s response to reports of sex discrimination and to ensure compliance with Title IX,
276 including oversight of all recordkeeping and training. The Title IX Coordinator may liaison
277 with other officials at the College for the purposes of responding to non-sex harassment or
278 discrimination claims and for referring complaints to the Administrator for resolution. The
279 Title IX Coordinator is also responsible for coordinating the effective implementation of
280 supportive measures and remedies. The Title IX Coordinator may delegate responsibilities
281 under this policy to a Deputy Title IX Coordinator or other designee, who will be
282 appropriately trained per the requirements of Title IX. For purposes of this policy, any
283 reference to the Title IX Coordinator should be read as the “Title IX Coordinator, Deputy
284 Title IX Coordinator, or other designee.”
285

286 **Title IX Personnel.** “Title IX personnel” means all individuals who are responsible for
287 responding to reports of sex discrimination, implementing the grievance procedures in this
288 policy, hearing challenges to removals, or having the authority to modify or terminate
289 supportive measures. All Title IX personnel shall receive annual training as required by Title
290 IX, Clery, and applicable state law. Persons falling under this description include, without
291 limitation, Title IX Coordinator(s), investigators, decisionmakers, appeal officers, and
informal resolution facilitators, with any of the responsibilities outlined herein. Title IX

293 Personnel will not have a conflict of interest or bias for or against complainants or
294 respondents generally or an individual complainant or respondent.

295
296 Other relevant definitions in this policy include:

297 **Party.** “Party” means the complainant(s) or respondent(s). A respondent becomes a
298 “party” to the action upon receipt of notice of the complaint.

299
300 **Pregnancy or Related Conditions.** “Pregnancy or Related Conditions” means the
301 following: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical
302 conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3)
303 Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related
304 medical conditions.

305
306 **Respondent.** “Respondent” means a person who is alleged to have violated the
307 College’s prohibition on harassment and/or discrimination. A respondent is presumed not
308 responsible for alleged conduct until a determination whether harassment or
309 discrimination occurred is made at the conclusion of a resolution process outlined in this
310 policy. When a sex discrimination complaint alleges that a Western Technical College
311 policy or practice discriminates on the basis of sex, Western Technical College is not
312 considered a respondent as it relates to the respondent’s rights in this policy.

313
314 **Student.** For the purposes of this policy, a “Student” is a person who has gained
315 admission to the institution.

316
317 **Complainant.** “Complainant” means (1) A student or employee who is alleged to have
318 been subjected to conduct that could constitute harassment or discrimination as defined
319 by this policy; or (2) A person other than a student or employee who is alleged to have been
320 subjected to conduct that could constitute sex discrimination under this policy and who was
321 participating or attempting to participate in the College’s education program or activity at
322 the time of the alleged sex discrimination.

323
324 **Witness.** “Witness” means any individual who has direct knowledge of an incident or
325 other information relevant to the allegation. Character witnesses are not considered
326 relevant, and expert witnesses are considered only at the discretion of the investigator or
327 decisionmaker.

328 329 **Independence and Conflict-of-Interest**

330 The Title IX Coordinators act with independence and authority free from **substantial** bias
331 and conflicts of interest. The Title IX Coordinators oversees all resolutions under this
332 policy and the applicable grievance procedures with impartiality. All members of the Title

Commented [GV2]: Moved to Independence and Conflict-of-Interest section further down

333 IX team are trained to ensure they are not biased for or against any party participating in a
334 grievance procedure.

335 Any concerns involving bias, conflicts of interest, or complaints of misconduct or
336 discrimination by either the Title IX Coordinators should be communicated to Western
337 Technical College's President:

338 Dr. Roger Stanford
339 StanfordR@westerntc.edu
340 400 7th Street North
341 La Crosse, WI 54601

342 Concerns of bias or potential conflict of interest, discrimination or misconduct by any
343 other Title IX team member including investigators and decision makers, should be
344 communicated to the Title IX Coordinator.

345

346 **Policy on Equal Employment and Educational Opportunity**

347 The College will not discriminate against any employee or applicant for employment,
348 student or prospective student based on race, color, sex, sexual orientation, gender
349 identity or expression, religion, creed, national origin, ethnicity, ancestry, age, disability,
350 marital or parental status, veteran status or military service, genetic information,
351 pregnancy, off-campus use/nonuse of lawful products, arrest or conviction record, or any
352 other characteristic protected by federal, state, or local law (hereinafter "Protected
353 Characteristic(s)"). This prohibition applies to recruitment, hiring, transfers, promotions,
354 training, layoff or recall from layoff, terminations, retention, certification, testing and
355 committee appointments, education and assistance therefor, and social or recreation
356 programs. The College is strongly committed to this policy, and believes in and practices
357 equal opportunity and affirmative action.

358 Principal publications available to students, employees, applicants for admissions or
359 employment, and sources of referral for both, will include a statement of
360 nondiscrimination which specifically includes reference to **Title IX of Education**
361 **Amendments of 1972** and to **Section 504 of the Rehabilitation Act of 1973**. Delivery of
362 student services will be performed in harmony with statutory requirements.

363 It is the policy of the College to assure equal opportunity for qualified applicants for
364 employment, for qualified employees in matters of employment, and for students in
365 District educational programs in all educational and employment related activities. This
366 policy applies to all students, employees, applicants, and prospective students
367 irrespective of any Protected Characteristic(s). Responsibility for the Equal Employment
368 Opportunity is assigned to the Manager of Employment, Compensation and Compliance.

Commented [GV3]: Entire section moved to Regarding
Equal Employment & Educational Opportunity further down

369 The College is committed to compliance with all applicable local, state and federal equal
370 opportunity and affirmative action laws and regulations, including but not limited to:

- 371 1. ~~Title VI and Title VII of the 1964 Civil Rights Act~~
- 372 2. ~~Title IX of the 1972 Educational Amendments Act~~
- 373 3. ~~Section 504 of the Rehabilitation Act of 1973~~
- 374 4. ~~The American With Disabilities Act of 1990~~
- 375 5. ~~The Civil Rights Act of 1991~~
- 376 6. ~~The Carl D. Perkins Vocational and Technical Education Act~~
- 377 7. ~~The Equal Pay Act of 1963~~
- 378 8. ~~The Pregnancy Discrimination Act~~
- 379 9. ~~The Age Discrimination Act of 1967~~
- 380 10. ~~The Age Discrimination Act of 1975~~
- 381 11. ~~The Civil Rights Restoration Act of 1987~~
- 382 12. ~~The Genetic Information Nondiscrimination Act of 2008~~
- 383 13. ~~The Wisconsin Fair Employment Law~~
- 384 14. ~~Other appropriate laws and executive orders and/or administrative directives and~~
385 ~~codes including the Office of Civil Rights Guidelines for Eliminating Discrimination~~
386 ~~and Denial of Services on the Basis of Race, Color, National Origin, Sex and~~
387 ~~Handicap in Vocational Programs (34 CFR, Part 100 Appendix B)~~

388 The College will provide equal educational opportunity in an educational climate that is
389 conducive to and supportive of cultural and ethnic diversity. This commitment includes,
390 but is not limited to, physical access to courses and programs; physical education and
391 athletics, extra-curricular activities; admissions; student policies and their application;
392 counseling, guidance and placement services; financial assistance; work-study; housing
393 and all other District facilities. The College will make reasonable accommodations for
394 persons with disabilities to assure access to programs and employment.

395 The College will provide reasonable accommodation to employees and students for
396 religious observances and practices.

397 **Policy on Prohibited Harassment and Non-Discrimination Conduct**

398 Western Technical College is committed to building and preserving a community where
399 people can work and learn together free from exploitation, abusive conduct, intimidation,
400 discrimination, and harassment.

401 Western Technical College is x. The College will provide protection from harassment and
402 discrimination against students, employees and applicants in any service, program or

403 facility of the College with regard to race, color, creed, religion, sex, national origin,
404 disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy,
405 genetic information, marital status or parental status, veteran or military status, off-
406 campus use/nonuse of lawful products, arrest or conviction record, or any other
407 characteristic protected by federal, state, or local law (herein “Protected
408 Characteristic(s)”).

409 Unlawful or discriminatory harassment is unwelcome physical, written, verbal or other
410 forms of conduct based on a actual or perceived legally protected characteristic (listed
411 below^{above}) where submission to or rejection of the unwelcome conduct is made either
412 explicitly or implicitly a condition of a person’s education or employment, where
413 submission to or rejection of the unwelcome conduct is the basis for decisions that affect
414 the terms and conditions of academics or employment or where the unwelcome conduct
415 is sufficiently severe or pervasive so as to interfere with a person’s learning or work
416 environment or create an environment that a reasonable person would consider
417 intimidating, hostile, or offensive.

418 Prohibited acts include, but are not limited to: physical contact or aggression; assault or
419 intimidation; deliberate or repeated unsolicited comments, slurs, epithets, jokes,
420 innuendo or derogatory comments; threatening or intimidating language (in any medium);
421 bullying; or other adverse treatment.

422 **Protected Characteristics** include:

- Race
- Color
- Religion
- Sex
- National Origin
- Disability
- Gender Identity or Expression
- Ancestry
- Age
- Sexual Orientation
- Pregnancy or Related Condition
- Genetic Information
- Marital Status or Parental Status
- Veteran or Military Status

423 Or any other characteristic protected by federal, state, or local law.

424 Harassment

425 “Harassment” means unwelcome conduct, on the basis of a Protected Characteristic,
426 where enduring the offensive conduct becomes a condition of continued employment or
427 education or where the conduct is so severe or pervasive that it denies a person’s ability to
428 participate in or benefit from the education program or activity.
429

430 Discrimination

431 “Discrimination” means conduct, on the basis of a Protected Characteristic, which
432 excludes from participation, denies benefits to, or otherwise differently treats persons in a

433 way that limits or denies their ability to participate in the educational program or
434 associated activity, including employment, except as permitted by federal or state law.

435
436 Upon notice of an allegation of harassment or discrimination, any such harassment or
437 discrimination will be promptly and fairly addressed and remedied by Western according
438 to Track One of the Anti-Harassment and Nondiscrimination Procedure.

439
440 Western reserves the right to address harassment that does create a hostile environment
441 but is not based on a Protected Characteristic.

442 **Definitions Related Specifically to Sex Discrimination**

443 For purposes of this policy, the following definitions constitute conduct to be “on the basis
444 of sex” which includes conduct on the basis of sex stereotypes, sex characteristics,
445 pregnancy or related conditions, sexual orientation, gender identity and expression,
446 marital and parenting status. Attempts to commit any Prohibited Conduct are prohibited
447 and will be considered the same as completed acts.

448

449 **Hostile Environment Harassment**

450 “Hostile Environment Harassment” means unwelcome sex-based and gender-based
451 conduct that, based on the totality of the circumstances, is subjectively and objectively
452 offensive and is so severe or pervasive that it limits or denies a person’s ability to
453 participate in or benefit from the education program or activity (i.e., creates a hostile
454 environment). Whether a hostile environment has been created is a fact-specific inquiry
455 that includes consideration of the following:

456

- 457 1. The degree to which the conduct affected the complainant’s ability to access the
458 College’s education program or activity;
- 459 2. The type, frequency, and duration of the conduct;
- 460 3. The parties’ ages, roles within the College’s education program or activity,
461 previous interactions, and other factors about each party that may be relevant to
462 evaluating the effects of the conduct;
- 463 4. The location of the conduct and the context in which the conduct occurred; and
- 464 5. Other sex-based and gender-based harassment in the College’s education
465 program or activity;

466

466 **1- Quid Pro Quo Harassment**

467 “Quid Pro Quo Harassment” means when an employee, agent, or other person authorized
468 by Western Technical College to provide an of the College conditioning, either implicitly or
469 explicitly, the provision of aid, benefit, or service on an individual’s under the College’s
470 education program or activity explicitly or impliedly conditioning the provision of such an
471 aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

472

473 **2. Unwelcome Conduct**—conduct determined by a reasonable person to be so
474 severe, pervasive and objectively offensive that it effectively denies a person equal
475 access to the College’s education program or activity;

476 **3. Sexual Assault**—engaging or attempting to engage in one of the following sex acts
477 with another individual by force [5] or without consent [6], where the individual cannot
478 consent because of age, or where the individual cannot consent because of
479 temporary or permanent mental or physical incapacity [7];

480 Sexual Assault—Non-Consensual Sexual Penetration

481 **“Nonconsensual sexual penetration” Rape** -means the penetration, no matter how slight,
482 of the vagina or anus, with any body part or object, or oral penetration by a sex organ of
483 another person, without the consent of the victim. Complainant.

484 Sexual Assault—Non-Consensual Sexual Contact

485 **“Nonconsensual Sexual Contact” Fondling**- means the touching of the private body parts
486 of another person (breasts, buttocks, or groin of another person for the purpose of sexual
487 gratification without the consent of the victim. person, including instances where the
488 Complainant is incapable of giving consent because of their age or because of a temporary
489 or permanent mental or physical incapacity.

490 Sexual Assault—Incest

491 **“Incest” is** sexual intercourse between persons who are related to each other within the
492 degrees wherein marriage is prohibited by law. in Wisconsin.

493 Sexual Assault—Statutory Rape

494 **“Statutory Rape” is** sexual intercourse with a person who is under the statutory age of
495 consent in as defined by Wisconsin law, which is 18 years of age.

497 Dating Violence

498 **4. “Dating Violence” is** conduct on the basis of sex that consists of violence committed by
499 a person who is or has been in a social relationship of a romantic or intimate nature
500 with the complainant. The existence of such a relationship shall be determined based on
501 the Complainant’s statement and with consideration of the length of the relationship, the
502 type of relationship, and the frequency of interaction between the persons involved in the
503 relationship.
504

505 For purposes of this definition, dating violence includes, but is not limited to, sexual or
506 physical abuse or threat of such abuse, and does not include acts covered under the
507 definition of domestic violence.

508 Domestic Violence

509 5. “Domestic Violence” - means a felony or misdemeanor crime of violence
510 committed by a person who:

- 511 a. is a current or former spouse or intimate partner of the victim Complainant, under
512 Wisconsin law or a person similarly situated to a spouse of the victim;
513 b. a person who is cohabitating with, or has cohabitated, with the victim Complainant
514 as a spouse or intimate partner;
515 c. a person with whom the Complainant shares a child in common with the victim or
516 d. commits acts against a youth or adult victim who is protected from those acts
517 under state family or domestic violence laws.

518 • a person similarly situated to a spouse of the Complainant under the
519 domestic or family violence laws of the jurisdiction in which the crime of
520 violence occurred; or

521 • any other person against an adult or youth Complainant who is
522 protected from that person’s acts under the domestic or family violence
523 laws of the jurisdiction in which the crime of violence occurred.

524 Stalking

525 6. “Stalking”~~(b)~~ means engaging in a course of conduct directed at a specific
526 person that would cause a reasonable person to (a) fear for the person’s safety or the
527 safety of others; or (b) suffer substantial emotional distress.

528 For the purposes of this definition—

- 529 a. Course of conduct means two or more acts, including, but not limited to, acts in
530 which the stalker directly, indirectly, or through third parties, by any action,
531 method, device, or means, follows, monitors, observes, surveils, threatens, or
532 communicates to or about a person, or interferes with a person’s property.
533 b. A reasonable person means a reasonable person under similar circumstances
534 and with similar identities to the victim.
535 c. Substantial emotional distress means significant mental suffering or anguish
536 that may but does not necessarily require medical or other professional
537 treatment or counseling.
538

539 Any member of the Western community whose acts deny, deprive, or limit the educational
540 or employment access, benefits, and/or opportunities of any student, employee, or visitor

541 on the basis of a person's actual or perceived Protected Characteristics is in violation of
542 this policy.

543 Upon notice of an allegation of harassment or discrimination, any such harassment or
544 discrimination will be promptly and fairly addressed and remedied by Western's Sexual
545 Harassment Grievance Procedure or Western's Student Grievance Procedure.

546 Western reserves the right to address harassment that does create a hostile environment
547 but is not based on a Protected Characteristic.

548 Retaliation

549 "Retaliation" means intimidation, threats, coercion, or discrimination against any person by
550 the College, a student, or an employee, or College-authorized person for the purpose of
551 interfering with any right or privilege under this policy or because the person has reported
552 information made a complaint, testified, assisted, or participated or refused to participate
553 in any manner in an informal resolution process or grievance procedures under this policy.
554 Nothing in this definition precludes Western Technical College from requiring an employee
555 or other College-authorized person to participate as a witness in, or otherwise assist with an
556 investigation, proceeding, or hearing under this policy.
557

558 Definition of Consent

559 For the purpose of the definitions of sex-based and gender-based Prohibited Conduct,
560 "Consent" is defined as a freely given agreement to engage in sexual activity by a person
561 who is at least the statutory age of consent as defined by state law and is a person without
562 a temporary or permanent mental disability that would render them unable to consent. A
563 person can withdraw consent at any time.
564

565 A person cannot consent to sexual activity if that person is unable to understand the
566 nature of the activity or give knowing consent due to circumstances, including without
567 limitation any of the following:

- 568 • The person is incapacitated due to the use or influence of alcohol or drugs.
- 569 • The person is asleep or unconscious.
- 570 • The person is underage.
- 571 • The person is incapacitated due to a temporary or permanent mental disability.

572

573 Regarding Pregnancy or Related Conditions

574
575 Western Technical College is committed to creating and maintaining a community free from
576 discrimination, including discrimination on the basis of sex, as mandated by Title IX of the

577 Education Amendments of 1972. Sex discrimination, which can include discrimination
578 based on a student's current, potential, or past pregnancy or related conditions, is
579 prohibited and illegal. The College is providing this information to ensure the protection and
580 equal treatment of pregnant or related conditions students. *Employees are also protected*
581 *from pregnancy or related conditions in their employment. Specific protections for*
582 *employees may be found in the Employee Handbook.*
583

584 The College will treat pregnancy or related conditions in the same manner and under the
585 same policies as any other temporary medical conditions with respect to any medical or
586 hospital benefit, service, plan, or policy the College administers, operates, offers, or
587 participates in with respect to students admitted to the College's education program or
588 activity.
589

590 The following are a summary of rights and options available to students who are pregnant or
591 who have a condition that has arisen from pregnancy. Complaints regarding discrimination
592 on the basis of pregnancy or related conditions for both students and employees will be
593 resolved using Track Two of the grievance procedures. Complaints regarding sex-based
594 harassment of an employee will also use Track Two; however, student complaints will be
595 resolved using Track Three.
596

597 Self-Identification and Employee Reporting

598 Students, or a person who has a legal right to act on behalf of the student, may self-identify
599 their pregnancy² or pregnancy-related condition to the Manager of Access Services or Title
600 IX Coordinator (for students) using the contact information listed in this policy to receive
601 modifications. Students are strongly encouraged to self-report so that the student and the
602 Manager of Access Services and Title IX Coordinator can work together throughout the
603 student's pregnancy to ensure that reasonable modifications are made and evolved as
604 necessary based on the needs of the student.
605

606 All employees must report to the Title IX Coordinator the name and specific information
607 reported to them by a student who has informed them of their pregnancy. The employee
608 shall inform that pregnant student that the Title IX Coordinator can coordinate specific
609 actions to prevent sex discrimination and ensure the student's equal access to the
610 District's education program or activity.
611

612 Reasonable modifications

613 Pregnant students have the right to access the educational program and associated
614 activities regardless of their status as pregnant and as such, will be provided with
615 reasonable modifications if requested. Each reasonable modification must be based on
616 the student's individualized needs. In determining what modifications are required, the

² Employees should self-report to the Title IX Coordinator for Employees.

617 **Manager of Access Services and/or Title IX Coordinator must consult with the student. A**
618 **modification that the College can demonstrate would fundamentally alter the nature of our**
619 **education program or activity is not a reasonable modification.**

620
621 **The student has discretion to accept or decline each reasonable modification offered by**
622 **the Manager of Access Services / Title IX Coordinator. If a student accepts an offered**
623 **reasonable modification, the Manager of Access Services / Title IX Coordinator will**
624 **implement it.**

625
626 **Reasonable modifications may include, but are not limited to, breaks during class to**
627 **express breast milk, breastfeed, or attend to health needs associated with pregnancy or**
628 **related conditions, including eating, drinking, or using the restroom; intermittent absences**
629 **to attend medical appointments; access to online or homebound education; changes in**
630 **schedule or course sequence; extensions of time for coursework and rescheduling of tests**
631 **and examinations; allowing a student to sit or stand, or carry or keep water nearby;**
632 **counseling; changes in physical space or supplies (for example, access to a larger desk or**
633 **a footrest); elevator access; or other changes to policies, practices, or procedures.**

634

635 **Comparable treatment to other temporary medical conditions**

636 **The College shall treat pregnancy or related conditions in the same manner and under the**
637 **same policies as any other temporary medical conditions with respect to any medical or**
638 **hospital benefit, service, plan, or policy the College administers, operates, offers, or**
639 **participates in with respect to students admitted to the College's education program or**
640 **activity.**

641

642 **Voluntary access to separate and comparable portion of program or** 643 **activity**

644 **The College will allow the student to voluntarily access any separate and comparable**
645 **portion of the College's education program or activity if such a comparable portion of the**
646 **program or activity is available.**

647

648 **Voluntary leaves of absence**

649 **Western Technical College will allow the student to voluntarily take a leave of absence**
650 **from the College's education program or activity to cover, at minimum, the period of time**
651 **deemed medically necessary by the student's licensed healthcare provider. When the**
652 **student returns to the education program or activity, the student will be reinstated to the**
653 **academic status and as practicable, to the extracurricular status that the student held**
654 **when the voluntary leave began.**

655

656 **Certification to participate**

657 The College will not require a student who is pregnant or has related conditions to provide
658 certification from a healthcare provider or any other person that the student is physically
659 able to participate in the College’s class, program, or extracurricular activity unless:

- 660 i. The certified level of physical ability or health is necessary for participation in the
661 class, program, or extracurricular activity;
- 662 ii. The College requires such certification of all student s participating in the class,
663 program, or extracurricular activity; and
- 664 iii. The information obtained is not used as a basis for discrimination prohibited by
665 law.
666

667 **Lactation space**

668 The College has a lactation space, which is a space other than a bathroom, which is clean,
669 shielded from view, free from intrusion from others, and may be used by a student for
670 expressing breast milk or breastfeeding as needed. Information regarding the lactation
671 space may be found on the Title IX website. Students may also contact the Title IX
672 Coordinator for more information on lactation.
673

674 **Limitation on supporting documentation**

675 The College will not require supporting documentation unless the documentation is
676 necessary and reasonable for the College to determine the reasonable modifications to
677 make or whether to take additional specific actions. Examples of situations when requiring
678 supporting documentation is not necessary and reasonable include, but are not limited to,
679 when the student’s need for a specific action is obvious, such as when a student who is
680 pregnant needs a bigger uniform; when the student has previously provided the College with
681 sufficient supporting documentation; when the reasonable modification because of
682 pregnancy or related conditions at issue is allowing a student to carry or keep water nearby
683 and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;
684 when the student has lactation needs; or when the specific action is available to students
685 for reasons other than pregnancy or related conditions without submitting supporting
686 documentation.
687

688 **Prohibition on Retaliation**

689 Faculty, staff, and other College employees are prohibited from interfering with a student
690 taking leave, seeking reasonable modifications, or otherwise exercising their rights under
691 this Policy. Faculty, staff, and other College employees are prohibited from retaliating
692 against a student for exercising the rights articulated by this document, including imposing
693 or threatening to impose negative educational or other outcomes because student

694 requests leave or modifications, files a complaint, or otherwise exercises their rights under
695 Title IX.

696 **Policy on Regarding Disability Discrimination and Accommodations**

697 Western Technical College is in compliance with Section 504 of the 1973 Rehabilitation
698 Act, with the Americans with Disabilities Act of 1990, including changes made by the ADA
699 Amendments Act of 2008, and with state disability law. It is the policy of Western
700 Technical College to provide reasonable accommodations (when requested) for qualified
701 individuals with disabilities who are students, potential students, employees or applicants
702 for employment, provided such reasonable accommodations do not place undue hardship
703 on the operations of the College.

704 The College will adhere to all applicable federal, state, and local laws, regulations, and
705 guidelines with respect to prohibiting discrimination and providing reasonable
706 accommodations as required to afford equal employment and educational opportunity to
707 qualified individuals with disabilities. Reasonable accommodations will be provided in a
708 timely and cost-effective manner upon self-identification, verification and an analysis of
709 solutions.

710 An individual with a disability is defined by the ADA as a person that has a physical or
711 mental impairment that substantially limits one or mor major life activities, a person who
712 has history or record of such an impairment, or a person who is regarded by the college has
713 having an impairment.

714 The Manager of Access Services has been designated as Western's ADA/504 Coordinator
715 responsible for overseeing efforts to comply with the laws and regulations related to
716 disabilities. The ADA/504 Coordinator in conjunction with the Title IX Coordinators
717 coordinate the response to grievances and addressing allegations of noncompliance or
718 discrimination based on disability.

719 ~~Grievances related to disability status and/or accommodations will be addressed through~~
720 ~~the Student Grievance Procedure.~~

721

722 **Students with Disabilities**

723 Western is committed to creating an environment that empowers and supports students to
724 reach their academic goals by providing qualified students with disabilities with the
725 appropriate accommodations to reduce barriers to learning. All accommodations are
726 made on an individualized basis. To request disability support services, students are
727 encouraged to contact the Manager of Access Services who coordinates services for
728 students with disabilities.

729

730 **Employees with Disabilities**

731 Western will provide reasonable accommodation(s) in a timely manner to all qualified
732 employees with known disabilities when the disability impacts the performance of their
733 essential job functions unless such accommodation(s) would result in undue hardship to
734 the College. Employees are encouraged to contact the **Associate Director of Human
735 Resources, Compensation, Benefits, and Compliance** ~~Manager of Employment,
736 Compensation and Compliance~~ to request an accommodation.

737 **Disability Accommodations and Interpretive Services**

738
739 A “student with a disability” means a student who is an individual with a disability as
740 defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B).
741 Western Technical College’s Access Services office determines reasonable and
742 appropriate accommodations and auxiliary aides for access and participation in Western
743 Technical College sponsored classes, services, and programs. Students with a
744 documented disability who desire an accommodation regarding this policy must request
745 an accommodation with Access Services and inform the Title IX Coordinator that such a
746 request has been made. Access Services will make a determination after consultation with
747 the Title IX Coordinator. The appropriate parties will be notified in accordance with the
748 Access Service’s procedures.

749
750 Kris Follansbee, Manager of Access Services
751 400 North 7th Street, Building S, Room 202E
752 La Crosse, WI 54601
753 608-785-9875
754 follansbeek@westerntc.edu
755 <https://www.westerntc.edu/access-services>

756
757 Employees with a disability who desire an accommodation regarding this policy must
758 request an accommodation with Human Resources.

759
760 Students or employees who require interpretive services should make the request for
761 translation services to the Title IX Coordinator.
762

763 **Policy on Regarding Equal Employment and Educational Opportunity**

764 The College will not discriminate against any employee or applicant for employment,
765 student or prospective student based on race, color, sex, sexual orientation, gender
766 identity or expression, religion, creed, national origin, ethnicity, ancestry, age, disability,
767 marital or parental status, veteran status or military service, genetic information,
768 pregnancy, off-campus use/nonuse of lawful products, arrest or conviction record, or any

769 other characteristic protected by federal, state, or local law (hereinafter "Protected
770 Characteristic(s)"). This prohibition applies to recruitment, hiring, transfers, promotions,
771 training, layoff or recall from layoff, terminations, retention, certification, testing and
772 committee appointments, education and assistance therefor, and social or recreation
773 programs. The College is strongly committed to this policy, and believes in and practices
774 equal opportunity and affirmative action.

775 Principal publications available to students, employees, applicants for admissions or
776 employment, and sources of referral for both, will include a statement of
777 nondiscrimination which specifically includes reference to **Title IX of Education**
778 **Amendments of 1972** and to **Section 504 of the Rehabilitation Act of 1973**. Delivery of
779 student services will be performed in harmony with statutory requirements.

780 It is the policy of the College to assure equal opportunity for qualified applicants for
781 employment, for qualified employees in matters of employment, and for students in
782 District educational programs in all educational and employment related activities. This
783 policy applies to all students, employees, applicants, and prospective students
784 irrespective of any Protected Characteristic(s). Responsibility for the Equal Employment
785 Opportunity is assigned to the Manager of Employment, Compensation and Compliance.

786 The College is committed to compliance with all applicable local, state and federal equal
787 opportunity and affirmative action laws and regulations, including but not limited to:

- 788 1. **Title VI and Title VII** of the 1964 Civil Rights Act
- 789 2. **Title IX of the 1972 Educational Amendments Act**
- 790 3. **Section 504 of the Rehabilitation Act of 1973**
- 791 4. **The American With Disabilities Act of 1990**
- 792 5. **The Civil Rights Act of 1991**
- 793 6. **The Carl D. Perkins Vocational and Technical Education Act**
- 794 7. **The Equal Pay Act of 1963**
- 795 8. **The Pregnancy Discrimination Act**
- 796 9. **The Age Discrimination Act of 1967**
- 797 10. **The Age Discrimination Act of 1975**
- 798 11. The Civil Rights Restoration Act of 1987
- 799 12. **The Genetic Information Nondiscrimination Act of 2008**
- 800 13. **The Wisconsin Fair Employment Law**
- 801 14. Other appropriate laws and executive orders and/or administrative directives and
802 codes including the Office of Civil Rights Guidelines for Eliminating Discrimination

803 and Denial of Services on the Basis of Race, Color, National Origin, Sex and
804 Handicap in Vocational Programs (34 CFR, Part 100 Appendix B)

805 The College will provide equal educational opportunity in an educational climate that is
806 conducive to and supportive of cultural and ethnic diversity. This commitment includes,
807 but is not limited to, physical access to courses and programs; physical education and
808 athletics, extra-curricular activities; admissions; student policies and their application;
809 counseling, guidance and placement services; financial assistance; work-study; housing
810 and all other District facilities. The College will make reasonable accommodations for
811 persons with disabilities to assure access to programs and employment.

812 The College will provide reasonable accommodation to employees and students for
813 religious observances and practices.

814 Policy on Sexual Harassment

815 The Department of Education's Office for Civil Rights (OCR), the Equal Opportunity
816 Commission (EEOC), and the State of Wisconsin regard sexual harassment as a specific
817 form of discriminatory harassment and an unlawful discriminatory practice. Western has
818 adopted the following definition of sexual harassment^[4] in order to address the unique
819 environment of an academic community:

820 Sexual harassment is an umbrella definition that includes the offenses of sexual
821 harassment, sexual assault, domestic violence, dating violence and stalking. Acts of
822 sexual harassment may be committed by any person upon another person, regardless of
823 the sex, sexual orientation, and/or gender identity of those involved. Sexual harassment is
824 conduct based on sex that satisfies one or more of the following:

825 **1. Quid Pro Quo**—an employee of the College conditioning, either implicitly or
826 explicitly, the provision of aid, benefit or service on an individual's participation in
827 unwelcome sexual conduct;

828 **2. Unwelcome Conduct**—conduct determined by a reasonable person to be so
829 severe, pervasive and objectively offensive that it effectively denies a person equal
830 access to the College's education program or activity;

831 **3. Sexual Assault**—engaging or attempting to engage in one of the following sex acts
832 with another individual by force^[5] or without consent^[6], where the individual cannot
833 consent because of age, or where the individual cannot consent because of
834 temporary or permanent mental or physical incapacity^[7]:

835 • **Rape**—the penetration, no matter how slight, of the vagina or anus with
836 any body part or object, or oral penetration by a sex organ of another
837 person, without the consent of the Complainant.

Commented [GV4]: Policy on Sexual Harassment language is moved to Definitions Related Specifically to Sex Discrimination section

- 838
- 839
- 840
- 841
- 842
- 843
- 844
- 845
- 846
- 847
- **Fondling** – the touching of the private body parts of another person (buttocks, groin, breasts) for the purposes of sexual gratification, without the consent of the person, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.
 - **Incest** – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in Wisconsin.
 - **Statutory Rape** – sexual intercourse with a person who is under the statutory age of consent in Wisconsin.

848 **4. Dating Violence** – conduct on the basis of sex that consists of violence committed
849 by a person who is or has been in a social relationship of a romantic or intimate
850 nature with the complainant. The existence of such a relationship shall be
851 determined based on the Complainant’s statement and with consideration of the
852 length of the relationship, the type of relationship, and the frequency of interaction
853 between the persons involved in the relationship.

854 For purposes of this definition, dating violence includes, but is not limited to, sexual
855 or physical abuse or threat of such abuse, and does not include acts covered under
856 the definition of domestic violence.

857 **5. Domestic Violence** – a felony or misdemeanor crime of violence committed by a
858 person who:

- 859
- 860
- 861
- 862
- 863
- 864
- 865
- 866
- 867
- 868
- 869
- is a current or former spouse or intimate partner of the Complainant;
 - a person with whom the Complainant shares a child in common with the victim or;
 - a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

870 **6. Stalking** – engaging in a course of conduct directed at a specific person that
871 would cause a reasonable person to (a) fear for the person’s safety or the safety of
872 others; or (b) suffer substantial emotional distress.

873

874 **Other Civil Rights Offenses**

875 Additional behaviors that may be within or outside of the Title IX forms of sexual
876 harassment listed above that are prohibited when the act is based on the Complainant's
877 actual or perceived membership in a protected class include, but are not limited to:

- 878 • **Sexual Exploitation**— taking non-consensual or abusive sexual advantage of
879 another for their own benefit or the benefit of anyone other than the person being
880 exploited, and that conduct does not otherwise constitute sexual harassment as
881 defined in this policy. Examples include, but are not limited to:
 - 882 • Observing or allowing others to observe a person undressing, using the
883 bathroom, or engaging in sexual acts without the consent of the person being
884 observed;
 - 885 • Prostituting another person or engaging in sex trafficking;
 - 886 • Misappropriation of another person's identify on apps, websites, or other
887 venues designed for dating or sexual connections;
 - 888 • Forcing a person to take an action against that person's will by threatening to
889 show, post, or share information, video, audio or image that depicts the
890 person's nudity or sexual activity; or
 - 891 • Taking pictures, videos, or audio recordings of another in a sexual act or
892 sexually related activity without the person's consent when there is a
893 reasonable expectation of privacy, or disseminating sexual pictures without
894 the photographed person's consent.
- 895 • **Threatening Behavior**— threatening or causing physical har; extreme verbal;
896 emotional, or psychological abuse; or other conduct which threatens or endangers
897 the health or safety of any person;
- 898 • **Discrimination**— actions that deprive, limit, or deny other members of the
899 community of educational or employment access, benefits, or opportunities;
- 900 • **Intimidation**— implied threats or acts that cause an unreasonable fear of harm in
901 another;
- 902 • **Bullying**— repeated and/or severe aggressive behavior likely to intimidate or
903 intentionally hurt, control, diminish another person either physically and/or
904 mentally that is not speech or conduct otherwise protected by the First
905 Amendment.

907 **Retaliation**

908 Western will not tolerate any retaliatory conduct against any person in response to a
909 person reporting an incident, participating in or refusing to participate in a grievance

Commented [GV5]: Section got moved down to Retaliation below

910 process, providing relevant information or cooperating with an investigation, and/or
911 supporting a party involved in the process. Western and any member of the Western
912 community are prohibited from taking or attempting to take adverse action
913 through intimidation, threats, coercion, harassment, or discrimination against an
914 individual for exercising their rights or responsibilities under this policy and procedure.

915 Allegations of retaliation should be reported immediately to the Title IX Coordinator and
916 will be promptly and fairly investigated. Western will take all appropriate steps to protect
917 individuals who fear they may be subjected to retaliation. The exercise of rights protected
918 under the First Amendment does not constitute retaliation.

919

920 **Reporting Concerns or Alleged Policy Violations**

921 A “report” is an oral or written disclosure to a Title IX Coordinator of Prohibited Conduct.
922 Any person may report an allegation of Prohibited Conduct defined by this policy. Reports
923 may be made by the person who experienced the behavior or by a third-party, including a
924 friend, family member, attorney, staff member, or professor.

925
926 A “complaint” means an oral or written request to the institution that objectively can be
927 understood as a request for the institution to investigate and make a determination about
928 alleged discrimination under this policy. For complaints of sex-based and gender-based
929 harassment, only the complainant or a person with the legal right to act on the
930 complainant’s behalf may make a complaint.

931
932 A person has the right to report or not report the alleged incident to the College, law
933 enforcement, or both and may pursue some or all these reporting options at the same time.
934 When initiating a report, a person does not need to know whether they wish to request any
935 particular course of action, nor how to label what happened.

936 All employees of Western, except Western Counselors, are required to promptly report
937 any knowledge or allegation pertaining to a member of the community experiencing
938 harassment, discrimination, and/or retaliation to the Title IX Coordinator(s). Employees
939 are responsible for reporting all relevant details about the alleged incident including the
940 name of the Respondent (if known), the individual who experienced the alleged incident,
941 possible witnesses, and relevant facts including the date, time and location.

942 Complaints or notice of alleged policy violations, or inquiries or concerns regarding this
943 policy and the associated procedures, may be made internally at any time (including non-
944 business hours) through one the following options:

- 945 ● Report online through the [Sexual Harassment and Discrimination Report Form](#)
- 946 ● Report directly to the Title IX Coordinator

| | |
|--|--|
| <p>Title IX Coordinator – Students Ge Vang Manager of Student Life & Integrity Student Life Office, Kumm Center Room 100 La Crosse Campus vangg@westerntc.edu 608-785-9444</p> | <p>Title IX Coordinator – Employees Megan Hoffman Manager of Employment, Compensation and Compliance Administrative Center, Room 109 La Crosse Campus hoffmanm@westerntc.edu 608-785-9274</p> |
|--|--|

947 • File an incident report with the Campus Community Safety at 608-785-9191 or
948 Room 131 of the Golman Center, La Crosse Campus.

949

950 Reporting an allegation or concern through any of the above-mentioned options
951 constitutes actual knowledge and allows Western to discuss and/or provide supportive
952 measures, but does not obligate the Complainant to file a Formal Complaint^[9]. Western’s
953 ability to remedy and respond to the allegation may be limited if the Complainant does not
954 want the College to proceed with an investigation and/or grievance procedure.

955 While there is no time limit on reporting concerns or allegations, Western encourages
956 Complainants to report as soon as possible after the incident occurred. Delay in reporting
957 may limit the College’s ability to investigate, respond, and provide remedies.

958 Information regarding more specific procedures related to sexual harassment can be
959 found in Western’s Sexual Harassment Grievance Procedure. Information regarding more
960 specific procedures related to other forms of harassment or discrimination can be found in
961 Western’s Student Grievance Procedure.

962 Inquiries or concerns may be made externally to:

| Office for Civil Rights (OCR) – Department of Education | Equal Employment Opportunity Commission (EEOC) |
|--|---|
| <p>400 Maryland Avenue, SW Washington, DC 202-1100 Customer Service Hotline: 800-421-3481 Fax: 202-453-6012 TDD#: 877-521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/OCR</p> | <p>Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 500 Milwaukee, WI 53203-2292 Phone: 1-800-669-4000 Fax: 414-297-4133 TTY: 1-800-669-6820 ASL Video Phone: 844-234-5122 Web: http://www.eeoc.gov</p> |

963

964 Contact information for on and off-campus resources may be found in Appendix B.

- 965 • **Anonymous Reporting.** Anonymous reports are accepted but may require
966 additional investigation. Western tries to provide supportive measures to all
967 Complainants, which is impossible with an anonymous report. Because reporting
968 carries no obligation to initiate a formal response, and as Western respects
969 Complainant requests to dismiss complaints unless there is a compelling threat to
970 health and/or safety, the Complainant is largely in control and should not fear loss
971 of privacy by making a report that allows the College to discuss and/or provide
972 supportive measures.
- 973 • **Amnesty.** Western encourages the reporting of discrimination and harassment
974 incidents or concerns, and maintains a policy of offering parties and witnesses
975 amnesty from minor policy violations related to the incident, such as underage
976 drinking or use of illicit drugs.
- 977 • **False Allegations.** Deliberately false and/or malicious accusations under this
978 policy are a serious offense and will be subject to the appropriate disciplinary
979 action. This does not include allegations that are made in good faith but are found
980 to be erroneous or do not result in a policy violation determination. In addition,
981 witnesses and parties that knowingly provide false evidence, tamper with or destroy
982 evidence, or deliberately mislead an official conducting an investigation can be
983 subject to appropriate disciplinary action.
- 984 • **Federal Timely Warning Obligations.** The College is required to issue timely
985 warnings to the campus community for reported incidents that pose a serious or
986 continuing threat of bodily harm or danger to the community including reports of
987 sexual assault, dating violence, domestic violence and/or stalking that meets this
988 threshold. In such cases, Western will ensure that a Complainant's name and
989 other identifying information is not disclosed while providing enough information for
990 campus community members to make safety decisions in light of the potential
991 danger.
- 992 • **Promptness.** Western will act upon all allegations received through notice or
993 formal complaint in a prompt manner. The timeline for complaint resolution is
994 generally 60-90 calendar days. Western will make every attempt to avoid all undue
995 delays within its control. Any time the general timeframes for resolution outline in
996 the appropriate grievance procedure will be delayed, the College will provide
997 written notice to the parties of the delay, the cause of the delay, and estimated
998 extension of timeframe.

999 Reporting to a Title IX Coordinator

1000 The Manager of Student Life and Integrity and the Manager of Employment, Compensation
1001 and Compliance **Associate Director of HR – Compensation, Benefits, & Compliance** serve
1002 as Title IX Coordinators and oversee implementation of Western's **Anti-Harassment and**
1003 **Nondiscrimination policy, Equal Opportunity plan, and disability and compliance.** The Title
1004 IX Coordinators are responsible for coordinating the intake, investigation, resolution and

1005 implementation of measures to stop, remediate, and prevent discrimination, harassment,
1006 and retaliation prohibited under this policy. The Manager of Student Life and Integrity Title
1007 IX Coordinator is the College's designated authority with ultimate Title IX oversight.
1008

1009 Any individual who may have been subjected to Prohibited Conduct as defined in this
1010 policy should contact a Title IX Coordinator. Additionally, the Title IX Coordinators will be
1011 informed of all reports of potential violations of this policy received by employees who are
1012 mandated to report under this policy or by federal or state law. The Title IX Coordinators
1013 reserve the right to liaison with other offices for non-sex-based Prohibited Conduct to best
1014 resolve the allegation.
1015

1016 The Title IX Coordinator may be contacted by telephone, email, or in person using the
1017 below contact information.
1018

Title IX Coordinator³ (Students, Guests, Visitors, Others)

Ge Vang, Title IX Coordinator (Designated)
400 North 7th St, Building "K", Room 100 (located in Student Life Office)
La Crosse, WI 54601
608-785-9444 or Vangg@westernnc.edu

Title IX Co-Coordinator (Employees)

Megan Hoffman, Title IX Coordinator
400 North 7th St, Building "A", Room 109 (located in Human Resource Office)
La Crosse, WI 54601
608-789-6233 or hoffmanm@westernnc.edu

Deputy Title IX Coordinators

Margy Krogman, Deputy Title IX Coordinator
400 North 7th St, Building "K", Room 100 (located in Student Life Office)
La Crosse, WI 54601
608-785-9880 or krogmanm@westernnc.edu

This Deputy Coordinator supports the student Title IX Coordinator in reviewing and revising Title IX and other discrimination, and harassment policies and procedures. This Deputy Coordinator may fill in for the student Title IX Coordinator as needed.

Jacqueline Kettner-Sieber, Deputy Title IX Coordinator
400 North 7th St, Building "A", Room 109 (located in Human Resource Office)
La Crosse, WI 54601
608-789-6233 or kettnerj@westernnc.edu

³ Western Technical College has two Title IX Coordinators, one for employees and one for students and all other persons who may want to report or file a complaint of harassment or discrimination. Both Coordinators have overarching responsibility for institutional compliance with this policy and will work in concert to ensure consistency in the application of the respective procedures.

This Deputy Coordinator supports the employee Title IX Coordinator in reviewing and revising Title IX and other discrimination, and harassment policies and procedures. This Deputy Coordinator may fill in for the employee Title IX Coordinator as needed.

1019

Reporting to Campus Safety and Law Enforcement

1020
1021

1022 Any student or employee who has experienced domestic violence, dating violence, sexual
1023 assault, or stalking may report the incident to the Campus Community Safety Office and/or
1024 local law enforcement. Individuals are encouraged to contact law enforcement and seek
1025 medical treatment as soon as possible following an incident that poses a threat to safety
1026 or physical well-being or following a potential criminal offense. Individuals also have the
1027 right to decline to notify law enforcement authorities. A report to law enforcement is not a
1028 complaint for purposes of College's grievance procedures.

1029

1030 At an individual's request, the Title IX Coordinator will assist a person who has been
1031 impacted by domestic violence, dating violence, sexual assault, or stalking in contacting
1032 local law enforcement, including facilitating law enforcement to come to campus to take
1033 the report.

1034

Immediate Help

Call 911 then follow up with Campus Community Safety using
the contact information below.

1035

Campus Safety

Campus Community Safety Office
Coleman Center Room 131
617 Vine Street
La Crosse, WI 54601
Call/Text: 608-785-9191
Email: security@westernnc.edu

Local Law Enforcement

La Crosse Police Department
9-1-1
Nonemergency: 608-782-7575
400 La Crosse Street
La Crosse, WI 54601
608-789-CITY

File a police report online by visiting www.cityoflacrosse.org/file-police-report
You may also access victim/witness rights and advocacy assistance by calling

1-800-446-6564 or access a directory online at www.doj.state.wi.us/ocvs

If you are the victim of domestic abuse, you may contact a domestic abuse victim services provider to help plan for your safety and take steps to protect yourself, including filing a petition under WI State Statute 813.12 for a Domestic Abuse Injunction or under WI State Statute 813.125 for a Harassment Injunction.

1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052

Western Technical College may issue a directive called a “No Contact Order” that limits contact between the parties within the educational program or activities. A complainant interested in a no-contact order at Western Technical College may contact the Title IX Coordinator for Students or Employees depending on the status of the complainant.

An injunction may be sought through the court system and a campus representative may provide assistance upon request in assisting a complainant in seeking an order. Students and employees with an Order of Protection/Injunction issued through the courts may provide that to Western Technical College’s Title IX Coordinator so assistance can be provided to aid in safety while on campus.

Prohibited Conduct under this policy may also constitute violations of state and local law. Western Technical College officials are required to document certain reports for Clery Act reporting purposes. There is no personally identifiable information (PII) about the complainant in any publicly available recordkeeping.

1053 Reporting to a Confidential Employee

1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072

An individual who is not prepared to make a complaint or who may be unsure how to label what happened but still seeks information and support may contact a confidential employee. An individual may contact a confidential employee before and during any Western Technical College grievance procedure or an external criminal process.

Contacting a confidential employee and disclosing an offense that is prohibited by this policy does not constitute filing a complaint with the Title IX Coordinators. Unless specifically identified as confidential, staff and faculty are not considered confidential.

Information shared with confidential employees (including information about whether an individual has received services) will only be disclosed with the individual’s express written permission unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). Confidential employees may be required to submit non-identifying information about suspected violations of this policy to the Campus Community Safety Office for purposes of anonymous statistical reporting if the confidential employee is also a Campus Security Authority under the Clery Act.

Upon receipt of a disclosure in their capacity as a confidential employee, the confidential employee will provide information on the following:

- 1073 • Their status as a confidential and what that means at the College;
- 1074 • How to contact the Title IX Coordinator(s);
- 1075 • How to make a complaint of sex discrimination; and
- 1076 • That Title IX Coordinators may be able to offer and coordinate supportive measures,
- 1077 as well as to initiate an informal resolution process or an investigation under the
- 1078 applicable grievance procedures.
- 1079

Confidential Employees

The following Counseling and Case Management Service Staff are Confidential Employees for Western:

Ann Brandau – Director of Counseling and Case Management
brandauhyneka@westerntc.edu or 608-785-9899

Brent Brigson – Counselor
brigsonb@westerntc.edu or 608-785-9583

Lauren Jankowski – Non-Clinical Case Manager
jankowskil@westerntc.edu or 608-785-9917

Alicia Hengel - Non-Clinical Case Manager
hengela@westerntc.edu or 608-785-9536

Katrina Rotar - Non-Clinical Case Manager
rotark@westerntc.edu or 608-785-9841

Counseling and Case Management Service
Student Success Center, Room 221
400 7th Street North
La Crosse, WI 54601

Phone:

[608-785-9553](tel:608-785-9553)

<https://www.westerntc.edu/counseling-and-case-management-services>

Western Counseling and Case Management Professionals provide supportive counseling services to students who are struggling with personal issues. Our strengths-based, holistic, wrap-around service model is designed to promote resilience, well-being and student retention at the College. As a department, we believe that students possess the ability and courage to move themselves forward when provided with the environment and support necessary to do so.

1080 **Reporting to the U.S. Department of Education**

1081 All members of the Western Technical College community may also contact the Office for
1082 Civil Rights (a division of the United States Department of Education) to file a complaint
1083 pertaining to Title IX.
1084

| |
|--|
| <p style="text-align: center;">U.S. Department of Education: Office for Civil Rights</p> |
| <p style="text-align: center;">Headquarters 400 Maryland Avenue, SW, Washington, DC 20202-1100 Customer Service Hotline #: 800-421-3481 Facsimile: 202-453-6012 TTY#: 800-877-8339 Email: OCR@ed.gov Web: http://www.ed.gov/ocr</p> |
| <p style="text-align: center;">Office for Civil Rights, <i>Chicago Office</i> U.S. Department of Education John C. Kluczynski Federal Building 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604 Telephone: (312) 730-1560 and Facsimile: (312) 730-1576 Email: OCR.Chicago@ed.gov</p> |

1085 **Reporting Anonymously and Online**

1086 An individual may report an incident without disclosing the individual's name or requesting
1087 any action. Please note that choosing to make an anonymous report can significantly limit
1088 the ability of Western Technical College to respond. Anonymous reports may be used for
1089 statistical purposes and/or for enhancing the understanding of the campus climate so that
1090 the College may strengthen sex discrimination response and prevention efforts. A report
1091 may be made by visiting the following website. The user can decide if they would like to
1092 include their name with their report or report anonymously.

1093
1094 https://cm.maxient.com/reportingform.php?WesternTC&layout_id=7

1095
1096 The online form is a report only; it does not constitute a complaint that would trigger an
1097 investigation. An online report will result in electronic communication of resources or
1098 outreach from the Title IX Coordinator if contact information is provided.
1099

1100 **Reporting to Other Western Technical College Employees**

1101
1102 Considering the College's obligation to make reasonable efforts to investigate and address
1103 conduct prohibited by this policy, Western Technical College employees who are not
1104 designated confidential employees are required to notify the Title IX Coordinator of
1105 suspected Prohibited Conduct. Employees may report the information to the Title IX

1106 Coordinator directly or by using the online reporting here:
1107 https://cm.maxient.com/reportingform.php?WesternTC&layout_id=7
1108 A report to a faculty or staff member does not automatically result in a complaint to initiate
1109 the applicable grievance procedures.
1110

1111 Additionally, all employees of the College are mandatory reporters of Child Abuse. This
1112 means all employees have a duty to immediately report whenever they have reasonable
1113 cause to believe that a child known to them in their professional or official capacity may be
1114 abused or neglected regardless of the reporter's wishes. Immediate reports should be made
1115 to the below as well as to the Title IX Coordinator.
1116

1117 LA CROSSE COUNTY HUMAN SERVICES DEPARTMENT

1118 300 N. 4th Street
1119 La Crosse, WI 54602
1120 [Get Directions](#)

1121 Office Hours: 608-784-4357
1122 After Hours/Weekends/Holidays: 608-784-4357 or 911
1123 FAX: 608-785-6122
1124 OR CALL 9-1-1
1125

1126 Consistent with the Clery Act, certain Western Technical College administrators, faculty,
1127 and staff are designated as Campus Security Authorities and required to report information
1128 on sexual assault, dating violence, domestic violence, and stalking to the College's Clery
1129 Act compliance officer.
1130

1131 **Privacy and Confidentiality**

1132 Issues of privacy and confidentiality play important roles in this policy and may affect
1133 individuals differently. Privacy and confidentiality are related but distinct terms.
1134 "Confidentiality" refers to the circumstances under which information will or will not be
1135 disclosed to others. "Privacy" refers to the discretion that will be exercised by the College
1136 during a complaint to only share information with those persons who have a need-to-know
1137 related information, for example, to carry out a supportive measure.
1138

1139 In some circumstances, the reporting responsibilities of Western Technical College
1140 employees, or the College's responsibility to investigate, may conflict with the
1141 complainant's and/or respondent's preferences regarding privacy and confidentiality.
1142 Therefore, all individuals are encouraged to familiarize themselves with their options and
1143 responsibilities. In all such proceedings, Western Technical College will consider the
1144 privacy of the parties to the extent possible.

1145 ~~Western will make every effort to preserve the privacy of reports received under this~~
1146 ~~policy. The College will not share student identifiable information of any involved parties in~~
1147 ~~complaints of harassment, discrimination, or retaliation except as permitted by the Family~~
1148 ~~Educational Rights and Privacy Act (FERPA) [10] or to carry out the purpose of Title IX~~

1149 regulations^[11], including the conducting of any investigation, hearing, or grievance
1150 proceeding arising under these policies and procedures.

1151 Western reserves the right to determine which College officials have a legitimate
1152 educational interest in being informed about incidents that fall within this policy, pursuant
1153 to FERPA. Information will be shared as necessary with Investigators, Decision Makers,
1154 witnesses, and the parties.

1155 **Supportive Measures**

1156 Western will offer and implement appropriate and reasonable supportive measures to
1157 involved parties upon notice of alleged harassment, discrimination, and/or
1158 retaliation. Supportive measures are non-disciplinary, non-punitive individualized services
1159 offered as appropriate, as reasonably available, and without fee or charge to the parties to
1160 restore or preserve access to the College's education program or activity without
1161 unreasonably burdening either party. Supportive measures may include services designed
1162 to protect the safety of all parties or the College educational environment, and/or to deter
1163 harassment, discrimination and/or retaliation.

1164 Examples of supportive measure include, but are not limited to:

- 1165 • Referral to counseling, medical or support services
- 1166 • Referral to community-based providers
- 1167 • Modifications to class or work schedules
- 1168 • Altering campus housing assignments
- 1169 • Safety planning
- 1170 • Academic support or adjustments
- 1171 • Leave of absence
- 1172 • Increased security monitoring
- 1173 • Mutual no contact order
- 1174 • Any other action deemed appropriate by Title IX Coordinator

1175 Violations of no contact orders will be referred to appropriate student or employee
1176 conduct processes for enforcement.

1177 **Independence and Conflict-of-Interest**

1178 ~~The Title IX Coordinators~~ Designated college officials (e.g., Title IX Coordinators, ADA/504
1179 Coordinator, etc.) act with independence and authority free from substantial bias and conflicts
1180 of interest. The designated college official ~~Title IX Coordinators~~ oversees all resolutions under
1181 this policy and acts to ensure that all Western representatives act with objectivity and
1182 impartiality. Any party who believes one or more of these individuals has a substantial

1183 **conflict of interest or bias must raise the concern promptly so Western may evaluate the**
1184 **concern and find a substitute if appropriate.** ~~the applicable grievance procedures with~~
1185 ~~impartiality. All members of the Title IX team are trained to ensure they are not biased for or~~
1186 ~~against any party participating in a grievance procedure.~~
1187

1188 Any concerns involving bias, conflicts of interest, or complaints of misconduct or
1189 discrimination by **either** the Title IX Coordinators **s** should be communicated to Western
1190 Technical College's President:

1191 Dr. Roger Stanford
1192 StanfordR@westernnc.edu
1193 400 7th Street North
1194 La Crosse, WI 54601

1195 Concerns of bias or potential conflict of interest, discrimination or misconduct by any
1196 other Title IX **Personnel** team member, including investigators and decision makers, should
1197 be communicated to the Title IX Coordinator.

1198 **Emergency Removal**

1199 Western may remove a student Respondent entirely or partially from their educational
1200 program or activities on an emergency basis when an individualized safety and risk
1201 analysis has determined that an immediate threat to the physical health or safety of any
1202 student or other individual justifies removal. This risk analysis is performed by the Title IX
1203 Coordinator in conjunction with the College Care Team using its standard objective
1204 violence risk assessment procedures. Students subject to emergency removal have the
1205 right to appeal to the Title IX Coordinator such action prior to implementation to show
1206 cause why the action should not be implemented or should be modified. Western will
1207 implement the least restrictive emergency actions possible in light of know circumstances
1208 and safety concerns.

1209 Employees of Western may be placed on paid administrative leave during the investigation
1210 and resolution of the grievance process. The Title IX Coordinator and the Director of
1211 Human Resources will make the determination related to placing an employee on
1212 administrative leave.

1213 **Retaliation**

1214 **"Retaliation" means intimidation, threats, coercion, or discrimination against any person**
1215 **by the College, a student, or an employee, or College-authorized person for the purpose of**
1216 **interfering with any right or privilege under this policy or because the person has reported**
1217 **information, made a complaint, testified, assisted, or participated or refused to participate**
1218 **in any manner in an informal resolution process or grievance procedures under this policy.**
1219 **Nothing in this definition precludes Western Technical College from requiring an employee**

1220 or other College-authorized person to participate as a witness in, or otherwise assist with
1221 an investigation, proceedings, or hearing under this policy.
1222

1223 Revisions and Interpretation

1224 The policy is maintained by the Title IX Coordinators and was most recently approved by
1225 President Stanford on August 1, 2024 and covers conduct alleged to have occurred on
1226 August 1, 2024 or after. Conduct that reasonably could constitute sex discrimination that
1227 occurred prior to this date will be addressed using the policy definitions and grievance
1228 procedures in place at the time of the incident or using this policy if no applicable policy
1229 was in place.
1230

1231 Western Technical College reserves the right to review and update the policy in
1232 accordance with changing legal requirements and specific needs of the College.
1233

1234 Any questions of interpretation regarding the Policy shall be referred to the Title IX
1235 Coordinator. The Title IX Coordinator's determination is final.
1236

1237

1238 **Appendix A: Definition of Relevant Terms**

1239
1240 A reasonable person means a reasonable person under similar circumstances and with
1241 similar identities to the victim.
1242
1243 Business days. This includes Monday through Friday, in which Western Technical College
1244 is open and conducting regular business. Business days do not include Saturdays,
1245 Sundays, federal holidays, or time periods where the college is closed for extended periods
1246 such as winter break.
1247
1248 Consent. For the purpose of the definitions of sex-based and gender-based Prohibited
1249 Conduct, “Consent” is defined as a freely given agreement to engage in sexual activity by a
1250 person who is at least the statutory age of consent as defined by state law and is a person
1251 without a temporary or permanent mental disability that would render them unable to
1252 consent. A person can withdraw consent at any time.
1253 A person cannot consent to sexual activity if that person is unable to understand the
1254 nature of the activity or give knowing consent due to circumstances, including without
1255 limitation any of the following:
1256

- The person is incapacitated due to the use or influence of alcohol or drugs.
- The person is asleep or unconscious.
- The person is underage.
- The person is incapacitated due to a temporary or permanent mental disability.

1260
1261 Complainant. “Complainant” means (1) A student or employee who is alleged to have
1262 been subjected to conduct that could constitute harassment or discrimination as defined
1263 by this policy; or (2) A person other than a student or employee who is alleged to have been
1264 subjected to conduct that could constitute sex discrimination under this policy and who
1265 was participating or attempting to participate in the College’s education program or
1266 activity at the time of the alleged sex discrimination.
1267
1268 Course of conduct means two or more acts, including, but not limited to, acts in which the
1269 stalker directly, indirectly, or through third parties, by any action, method, device, or
1270 means, follows, monitors, observes, surveils, threatens, or communicates to or about a
1271 person, or interferes with a person’s property.
1272
1273 Dating Violence. “Dating Violence” is violence committed by a person who is or has been
1274 in a social relationship of a romantic or intimate nature with the complainant.
1275
1276 Discrimination. “Discrimination” means conduct, on the basis of a Protected
1277 Characteristic, which excludes from participation, denies benefits to, or otherwise
1278 differently treats persons in a way that limits or denies their ability to participate in the
1279 educational program or associated activity, including employment, except as permitted by
1280 federal or state law.

1281
1282 Domestic Violence. “Domestic Violence” means felony or misdemeanor crimes
1283 committed by a person who (A) is a current or former spouse or intimate partner of the
1284 victim under Wisconsin law or a person similarly situated to a spouse of the victim; (B) is
1285 cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C)
1286 shares a child in common with the victim or (D) commits acts against a youth or adult
1287 victim who is protected from those acts under state family or domestic violence laws.
1288
1289 Harassment. “Harassment” means unwelcome conduct, on the basis of a Protected
1290 Characteristic, where enduring the offensive conduct becomes a condition of continued
1291 employment or education or where the conduct is so severe or pervasive that it denies a
1292 person’s ability to participate in or benefit from the education program or activity.
1293
1294 Hostile Environment Harassment. “Hostile Environment Harassment” means unwelcome
1295 sex-based and gender-based conduct that, based on the totality of the circumstances, is
1296 subjectively and objectively offensive and is so severe or pervasive that it limits or denies a
1297 person’s ability to participate in or benefit from the education program or activity (i.e.,
1298 creates a hostile environment). Whether a hostile environment has been created is a fact-
1299 specific inquiry that includes consideration of the following:
1300 1. The degree to which the conduct affected the complainant’s ability to access the
1301 College’s education program or activity;
1302 2. The type, frequency, and duration of the conduct;
1303 3. The parties’ ages, roles within the College’s education program or activity,
1304 previous interactions, and other factors about each party that may be relevant to
1305 evaluating the effects of the conduct;
1306 4. The location of the conduct and the context in which the conduct occurred; and
1307 5. Other sex-based and gender-based harassment in the College’s education
1308 program or activity;
1309
1310 Investigation. Systematic and formal inquiry into allegations of prohibited discrimination or
1311 protected characteristic harassment (including sex-based and gender-based harassment)
1312 brought by complainants through the procedures described.
1313
1314 “On the basis of sex” which includes conduct on the basis of sex stereotypes, sex
1315 characteristics, pregnancy or related conditions, sexual orientation, gender identity or
1316 expression, marital and parenting status.
1317
1318 Protected Characteristics include on the basis of race, color, religion, sex, national origin,
1319 disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy or
1320 related condition, genetic information, marital status or parental status, veteran or military
1321 status, or any other characteristic protected by federal, state, or local law.
1322
1323 Quid Pro Quo Harassment. “Quid Pro Quo Harassment” means when an employee, agent,
1324 or other person authorized by Western Technical College to provide an aid, benefit, or

1325 service under the College's education program or activity explicitly or impliedly
1326 conditioning the provision of such an aid, benefit, or service on a person's participation in
1327 unwelcome sexual conduct.

1328
1329 **Retaliation.** "Retaliation" means intimidation, threats, coercion, or discrimination against
1330 any person by the College, a student, or an employee, or College-authorized person for the
1331 purpose of interfering with any right or privilege under this policy or because the person
1332 has reported information made a complaint, testified, assisted, or participated or refused
1333 to participate in any manner in an informal resolution process or grievance procedures
1334 under this policy. Nothing in this definition precludes Western Technical College from
1335 requiring an employee or other College-authorized person to participate as a witness in, or
1336 otherwise assist with an investigation, proceeding, or hearing under this policy.

1337
1338 **Sexual Assault—Non-Consensual Sexual Penetration.** "Nonconsensual sexual
1339 penetration" means the penetration, no matter how slight, of the vagina or anus, with any
1340 body part or object, or oral penetration by a sex organ of another person, without the
1341 consent of the victim.

1342
1343 **Sexual Assault—Non-Consensual Sexual Contact.** "Nonconsensual Sexual Contact"
1344 means the touching of the breasts, buttocks, or groin of another person for the purpose of
1345 sexual gratification without the consent of the victim.

1346
1347 **Sexual Assault—Incest.** "Incest" is sexual intercourse between persons who are related to
1348 each other within the degrees wherein marriage is prohibited by law.

1349
1350 **Sexual Assault—Statutory Rape.** "Statutory Rape" is sexual intercourse with a person who
1351 is under the statutory age of consent as defined by Wisconsin law, which is 18 years of
1352 age.

1353
1354 **Stalking.** "Stalking" means engaging in a course of conduct directed at a specific person
1355 that would cause a reasonable person to fear for the person's safety or the safety of
1356 others; or suffer substantial emotional distress.

1357
1358 **Substantial emotional distress** means significant mental suffering or anguish that may but
1359 does not necessarily require medical or other professional treatment or counseling.

C0102-E0105 – Harassment and Nondiscrimination Policy

Western Technical College (Western) is committed to building and preserving an educational and workplace environment where students and employees can learn and work together free from discrimination, harassment and retaliation in all benefits, programs, and activities. To ensure Western's commitment to fostering an environment built on a foundation of integrity, teamwork, and respect, the College has developed internal policies and procedures that provide a prompt, fair, and impartial process for complaints of discrimination and harassment on the basis of Protected Characteristics, and for complaints regarding retaliation. Western is committed to ensuring compliance with federal and state civil rights and First Amendment laws and regulations.

Scope of Policy

Western Technical College prohibits all form of discrimination. Discrimination, for purposes of this policy, may involve exclusion from or different treatment in programs or activities, such as admissions, athletics or employment. Discrimination may at times take the form of harassment, sex-based discrimination, sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged violation of this policy is reported, the allegations are subject to resolution using Western's Sexual Harassment Grievance Procedure or Western's Student Grievance Procedure.

This policy applies to all members of the Western community, including, but not limited to, students^[2], employees^[3], board members, others engaged in business with the College, volunteers, guests, and visitors.

This policy applies to any College employment or educational program or activity. The procedures referenced in this policy may be applied to behaviors that take place on any Western campus or controlled property, and at Western sponsored events. This policy may apply to off-campus or online conduct that effectively deprive some of access to Western's educational program, or when the

conduct is determined by the Title IX Coordinator to affect a substantial Western interest. A substantial interest is defined by Western as:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
2. Any situation in which it is determined that the respondent poses an immediate threat to the physical health or safety of any student or other individual;
3. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational or workplace environment of the College

The policy may be applied to behavior conducted in person, through writing, or through technology such as phone, online, email or other electronic medium, where the speech or conduct is not protected by freedom of expression. Discrimination, harassment and retaliation against members of the Western community are not protected expression under the First Amendment.

If a Respondent is unknown or is not a member of Western's community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options, and/or in contacting local law enforcement if the individual would like to file a police report.

Title IX Coordinators

The Manager of Student Life & Integrity and the Manager of Employment, Compensation and Compliance serve as Title IX Coordinators and oversee implementation of Western's Harassment and Nondiscrimination policy, Equal Opportunity plan, and disability compliance. The Title IX Coordinators are responsible for coordinating the intake, investigation, resolution and

implementation of measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

Independence and Conflict-of-Interest

The Title IX Coordinators act with independence and authority free from bias and conflicts of interest. The Title IX Coordinators oversees all resolutions under this policy and the applicable grievance procedures with impartiality. All members of the Title IX team are trained to ensure they are not biased for or against any party participating in a grievance procedure.

Any concerns involving bias, conflicts of interest, or complaints of misconduct or discrimination by the Title IX Coordinator should be communicated to Western Technical College's President:

Dr. Roger Stanford
StanfordR@westerntc.edu
400 7th Street North
La Crosse, WI 54601

Concerns of bias or potential conflict of interest, discrimination or misconduct by any other Title IX team member including investigators and decision makers, should be communicated to the Title IX Coordinator.

Policy on Equal Employment and Educational Opportunity

The College will not discriminate against any employee or applicant for employment, student or prospective student based on race, color, sex, sexual orientation, gender identity or expression, religion, creed, national origin, ethnicity, ancestry, age, disability, marital or parental status, veteran status or military service, genetic information, pregnancy, off-campus use/nonuse of lawful products, arrest or conviction record, or any other characteristic protected by federal, state, or local law (hereinafter "Protected Characteristic(s)"). This prohibition applies to recruitment, hiring, transfers, promotions, training, layoff or recall from layoff, terminations, retention, certification, testing and committee appointments, education and assistance therefor, and social or recreation

programs. The College is strongly committed to this policy, and believes in and practices equal opportunity and affirmative action.

Principal publications available to students, employees, applicants for admissions or employment, and sources of referral for both, will include a statement of nondiscrimination which specifically includes reference to **Title IX of Education Amendments of 1972** and to **Section 504 of the Rehabilitation Act of 1973**. Delivery of student services will be performed in harmony with statutory requirements.

It is the policy of the College to assure equal opportunity for qualified applicants for employment, for qualified employees in matters of employment, and for students in District educational programs in all educational and employment related activities. This policy applies to all students, employees, applicants, and prospective students irrespective of any Protected Characteristic(s). Responsibility for the Equal Employment Opportunity is assigned to the Manager of Employment, Compensation and Compliance.

The College is committed to compliance with all applicable local, state and federal equal opportunity and affirmative action laws and regulations, including but not limited to:

1. **Title VI** and **Title VII** of the 1964 Civil Rights Act
2. **Title IX of the 1972 Educational Amendments Act**
3. **Section 504 of the Rehabilitation Act of 1973**
4. **The American With Disabilities Act of 1990**
5. **The Civil Rights Act of 1991**
6. **The Carl D. Perkins Vocational and Technical Education Act**
7. **The Equal Pay Act of 1963**
8. **The Pregnancy Discrimination Act**
9. **The Age Discrimination Act of 1967**
10. **The Age Discrimination Act of 1975**
11. The Civil Rights Restoration Act of 1987
12. **The Genetic Information Nondiscrimination Act of 2008**

13. **The Wisconsin Fair Employment Law**

14. Other appropriate laws and executive orders and/or administrative directives and codes including the Office of Civil Rights Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Programs (34 CFR, Part 100 Appendix B)

The College will provide equal educational opportunity in an educational climate that is conducive to and supportive of cultural and ethnic diversity. This commitment includes, but is not limited to, physical access to courses and programs; physical education and athletics, extra-curricular activities; admissions; student policies and their application; counseling, guidance and placement services; financial assistance; work-study; housing and all other District facilities. The College will make reasonable accommodations for persons with disabilities to assure access to programs and employment.

The College will provide reasonable accommodation to employees and students for religious observances and practices.

Policy on Harassment and Nondiscrimination

Western Technical College is committed to building and preserving a community where people can work and learn together free from exploitation, abusive conduct, intimidation, discrimination, and harassment.

Western Technical College is in full compliance with all federal and state civil rights laws and regulations prohibiting harassment and discrimination. The College will provide protection from harassment and discrimination against students, employees and applicants in any service, program or facility of the College with regard to race, color, creed, religion, sex, national origin, disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy, genetic information, marital status or parental status, veteran or military status, off-campus use/nonuse of lawful products, arrest or conviction record, or any other characteristic protected by federal, state, or local law (herein "Protected Characteristic(s)").

Unlawful or discriminatory harassment is unwelcome physical, written, verbal or other forms of conduct based on a actual or perceived legally protected characteristic (listed above) where submission to or rejection of the unwelcome conduct is made either explicitly or implicitly a condition of a person's education or employment, where submission to or rejection of the unwelcome conduct is the basis for decisions that affect the terms and conditions of academics or employment or where the unwelcome conduct is sufficiently severe or pervasive so as to interfere with a person's learning or work environment or create an environment that a reasonable person would consider intimidating, hostile, or offensive.

Prohibited acts include, but are not limited to: physical contact or aggression; assault or intimidation; deliberate or repeated unsolicited comments, slurs, epithets, jokes, innuendo or derogatory comments; threatening or intimidating language (in any medium); bullying; or other adverse treatment.

Any member of the Western community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any student, employee, or visitor on the basis of a person's actual or perceived Protected Characteristics is in violation of this policy.

Upon notice of an allegation of harassment or discrimination, any such harassment or discrimination will be promptly and fairly addressed and remedied by Western's Sexual Harassment Grievance Procedure or Western's Student Grievance Procedure.

Western reserves the right to address harassment that does create a hostile environment but is not based on a Protected Characteristic.

Policy on Disability Discrimination and Accommodation

Western Technical College is in compliance with Section 504 of the 1973 Rehabilitation Act, with the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008, and with state disability law. It is the policy of Western Technical College to provide reasonable accommodations (when requested) for qualified individuals with disabilities who are students, potential students, employees or applicants for employment,

provided such reasonable accommodations do not place undue hardship on the operations of the College.

The College will adhere to all applicable federal, state, and local laws, regulations, and guidelines with respect to prohibiting discrimination and providing reasonable accommodations as required to afford equal employment and educational opportunity to qualified individuals with disabilities. Reasonable accommodations will be provided in a timely and cost-effective manner upon self-identification, verification and an analysis of solutions.

An individual with a disability is defined by the ADA as a person that has a physical or mental impairment that substantially limits one or more major life activities, a person who has history or record of such an impairment, or a person who is regarded by the college as having an impairment.

The Manager of Access Services has been designated as Western's ADA/504 Coordinator responsible for overseeing efforts to comply with the laws and regulations related to disabilities. The ADA/504 Coordinator in conjunction with the Title IX Coordinators coordinate the response to grievances and addressing allegations of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed through the Student Grievance Procedure.

Students with Disabilities

Western is committed to creating an environment that empowers and supports students to reach their academic goals by providing qualified students with disabilities the appropriate accommodations to reduce barriers to learning. All accommodations are made on an individualized basis. To request disability support services, students are encouraged to contact the Manager of Access Services who coordinates services for students with disabilities.

Employees with Disabilities

Western will provide reasonable accommodation(s) in a timely manner to all qualified employees with known disabilities when the disability impacts the performance of their essential job functions unless such accommodation(s) would result in undue hardship to the College. Employees are encouraged to contact the Manager of Employment, Compensation and Compliance to request an accommodation.

Policy on Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Opportunity Commission (EEOC), and the State of Wisconsin regard sexual harassment as a specific form of discriminatory harassment and an unlawful discriminatory practice. Western has adopted the following definition of sexual harassment^[4] in order to address the unique environment of an academic community.

Sexual harassment is an umbrella definition that includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence and stalking. Acts of sexual harassment may be committed by any person upon another person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual harassment is conduct based on sex that satisfies one or more of the following:

- 1. Quid Pro Quo** – an employee of the College conditioning, either implicitly or explicitly, the provision of aid, benefit or service on an individual's participation in unwelcome sexual conduct;
- 2. Unwelcome Conduct** - conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's education program or activity;
- 3. Sexual Assault** - engaging or attempting to engage in one of the following sex acts with another individual by force^[5] or without consent^[6], where the individual cannot consent because of age, or where the individual cannot consent because of temporary or permanent mental or physical incapacity^[7]:

- **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 Complainant.
- **Fondling** - the touching of the private body parts of another person (buttocks, groin, breasts) for the purposes of sexual gratification, without the consent of the person, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.
- **Incest** - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in Wisconsin.
- **Statutory Rape** - sexual intercourse with a person who is under the statutory age of consent in Wisconsin.

4. Dating Violence - conduct on the basis of sex that consists of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the Complainant'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.

For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse, and does not include acts covered under the definition of domestic violence.

5. Domestic Violence - a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the Complainant;
- a person with whom the Complainant shares a child in common;
- a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;

- a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

6. Stalking[8] - engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

Other Civil Rights Offenses

Additional behaviors that may be within or outside of the Title IX forms of sexual harassment listed above that are prohibited when the act is based on the Complainant's actual or perceived membership in a protected class include, but are not limited to:

- **Sexual Exploitation** – taking non-consensual or abusive sexual advantage of another for their own benefit or the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment as defined in this policy. Examples include, but are not limited to:
 - Observing or allowing others to observe a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed;
 - Prostituting another person or engaging in sex trafficking;
 - Misappropriation of another person's identify on apps, websites, or other venues designed for dating or sexual connections;
 - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio or image that depicts the person's nudity or sexual activity; or
 - Taking pictures, videos, or audio recordings of another in a sexual act or sexually related activity without the person's consent when

there is a reasonable expectation of privacy, or disseminating sexual pictures without the photographed person's consent.

- **Threatening Behavior** – threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person;
- **Discrimination** – actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- **Intimidation** – implied threats or acts that cause an unreasonable fear of harm in another;
- **Bullying** – repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, diminish another person either physically and/or mentally that is not speech or conduct otherwise protected by the First Amendment.

Retaliation

Western will not tolerate any retaliatory conduct against any person in response to a person reporting an incident, participating in or refusing to participate in a grievance process, providing relevant information or cooperating with an investigation, and/or supporting a party involved in the process. Western and any member of the Western community are prohibited from taking or attempting to take adverse action through intimidation, threats, coercion, harassment, or discrimination against an individual for exercising their rights or responsibilities under this policy and procedure.

Allegations of retaliation should be reported immediately to the Title IX Coordinator and will be promptly and fairly investigated. Western will take all appropriate steps to protect individuals who fear they may be subjected to retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.

Reporting Concerns or Alleged Policy Violations

All employees of Western, except Western Counselors, are required to promptly report any knowledge or allegation pertaining to a member of the community experiencing harassment, discrimination, and/or retaliation to the Title IX Coordinator(s). Employees are responsible for reporting all relevant details about the alleged incident including the name of the Respondent (if known), the individual who experienced the alleged incident, possible witnesses, and relevant facts including the date, time and location.

Complaints or notice of alleged policy violations, or inquiries or concerns regarding this policy and the associated procedures, may be made internally at any time (including non-business hours) through one of the following options:

- Report online through the [Sexual Harassment and Discrimination Report Form](#)
- Report directly to the Title IX Coordinator

| | |
|--|--|
| <p>Title IX Coordinator – Students Ge Vang Manager of Student Life & Integrity Student Life Office, Kumm Center Room 100 La Crosse Campus vangg@westerntc.edu 608-785-9444</p> | <p>Title IX Coordinator – Employees Megan Hoffman Manager of Employment, Compensation and Compliance Administrative Center, Room 109 La Crosse Campus hoffmanm@westerntc.edu 608-785-9274</p> |
|--|--|

- File an incident report with the Campus Community Safety at 608-785-9191 or Room 131 of the Colman Center, La Crosse Campus.

Reporting an allegation or concern through any of the above-mentioned options constitutes actual knowledge and allows Western to discuss and/or provide supportive measures, but does not obligate the Complainant to file a Formal Complaint^[9]. Western’s ability to remedy and respond to the allegation may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance procedure.

While there is no time limit on reporting concerns or allegations, Western encourages Complainants to report as soon as possible after the incident occurred. Delay in reporting may limit the College’s ability to investigate, respond, and provide remedies.

Information regarding more specific procedures related to sexual harassment can be found in Western's Sexual Harassment Grievance Procedure. Information regarding more specific procedures related to other forms of harassment or discrimination can be found in Western's Student Grievance Procedure.

Inquiries or concerns may be made externally to:

| Office for Civil Rights (OCR) – Department of Education | Equal Employment Opportunity Commission (EEOC) |
|---|---|
| 400 Maryland Avenue, SW Washington, DC 202-1100 Customer Service Hotline: 800-421-3481 Fax: 202-453-6012 TDD#: 877-521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/OCR | Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 500 Milwaukee, WI 53203-2292 Phone: 1-800-669-4000 Fax: 414-297-4133 TTY: 1-800-669-6820 ASL Video Phone: 844-234-5122 Web: http://www.eeoc.gov |

Anonymous Reporting

Anonymous reports are accepted but may require additional investigation. Western tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Western respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

Amnesty

Western encourages the reporting of discrimination and harassment incidents or concerns, and maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident, such as underage drinking or use of illicit drugs.

False Allegations

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to the appropriate disciplinary action. This does not include allegations that are made in good faith but are found to be erroneous or do not result in a policy violation determination. In addition, witnesses and parties that knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation can be subject to appropriate disciplinary action.

Federal Timely Warning Obligations

The College is required to issue timely warnings to the campus community for reported incidents that pose a serious or continuing threat of bodily harm or danger to the community including reports of sexual assault, dating violence, domestic violence and/or stalking that meets this threshold. In such cases, Western will ensure that a Complainant's name and other identifying information is not disclosed while providing enough information for campus community members to make safety decisions in light of the potential danger.

Promptness

Western will act upon all allegations received through notice or formal complaint in a prompt manner. The timeline for complaint resolution is generally 60-90 calendar days. Western will make every attempt to avoid all undue delays within its control. Any time the general timeframes for resolution outline in the appropriate grievance procedure will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and estimated extension of timeframe.

Privacy

Western will make every effort to preserve the privacy of reports received under this policy. The College will not share student identifiable information of any involved parties in complaints of harassment, discrimination, or retaliation except as permitted by the Family Educational Rights and Privacy Act (FERPA)[\[10\]](#) or to carry out the purpose of Title IX regulations[\[11\]](#), including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Western reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA. Information will be shared as necessary with Investigators, Decision Makers, witnesses, and the parties.

Supportive Measures

Western will offer and implement appropriate and reasonable supportive measures to involved parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity without unreasonably burdening either party. Supportive measures may include services designed to protect the safety of all parties or the College educational environment, and/or to deter harassment, discrimination and/or retaliation.

Examples of supportive measure include, but are not limited to:

- Referral to counseling, medical or support services
- Referral to community-based providers
- Modifications to class or work schedules
- Altering campus housing assignments
- Safety planning
- Academic support or adjustments
- Leave of absence

- Increased security monitoring
- Mutual no contact order
- Any other action deemed appropriate by Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removal

Western may remove a student Respondent entirely or partially from their educational program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the College Care Team using its standard objective violence risk assessment procedures. Students subject to emergency removal have the right to appeal to the Title IX Coordinator such action prior to implementation to show cause why the action should not be implemented or should be modified. Western will implement the least restrictive emergency actions possible in light of known circumstances and safety concerns.

Employees of Western may be placed on paid administrative leave during the investigation and resolution of the grievance process. The Title IX Coordinator and the Director of Human Resources will make the determination related to placing an employee on administrative leave.

Revised April 19, 2022

Adopted March 16, 2021

Reference Procedure: [C0102p Anti-Harassment \(Employees\)](#)

Reference Procedure: [E0709p Student Grievance Procedure](#)

Reference Procedure: [C0102-E0105p – Sexual Harassment Grievance Procedure \(Title IX\)](#)

[1] ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL. Use and adaptation of this model with citation to ATIXA is permitted through a limited license to Western Technical College. All other rights reserved. ©2020. ATIXA

[2] For the purpose of this policy, "student" is defined as any person who attends and/or is enrolled in any classes or program at the college.

[3] For the purpose of this policy, "employee" is defined as a person in the service of the College under any contract of hire, express or implied, oral or written, where the College has the power or right to control and direct the employee in the details of how the work is performed.

[4] In accordance with 34 CFR Part 106, §106.3

[5] Force is defined as the use of physical violence and/or physical imposition to gain sexual access, and includes threats, intimidation, and coercion (unreasonable or continued pressure) that is intended to overcome resistance or produce consent.

[6] Consent means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent can be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. Consent to some sexual contact cannot be presumed to be consent for other sexual contact or activity. Current or previous intimate relationship is not sufficient for consent.

[7] Incapacitation refers to a person's inability to give consent due being unable to understand what is happening, or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. It is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and or being drunk.

[8] For purposes of this definition, *Course of conduct* means two or more acts, including, but not limited to, acts 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.

Reasonable person means a person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

[9] Formal Complaint is a document submitted or signed by the Complainant or signed by the Title IX Coordinator if there is a compelling threat to the health and/or safety of the campus community which alleges a policy violation by a Respondent who is a student or employee and requests an investigation of the allegation.

[10] 20 U.S.C. 1232g and 34 CFR part 99

[11] 34 CFR Part 106